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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fourteenth periodic reports of States parties due in 1997

Addendum

CANADA*

[16 March 2001]

* This document contains the thirteenth and fourteenth periodic reports of Canada, due on 15 November 1995 and 1997 respectively, submitted in one document. For the twelfth periodic report of Canada and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/240/Add.1 and CERD/C/SR.1043-1044.

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* In geographical order, from west to east.

Introduction

1. This document constitutes the combined thirteenth and fourteenth reports submitted by Canada under the terms of the International Convention on the Elimination of All Forms of Racial Discrimination. The document covers, in the main, the period of June 1993 to May 1997. Occasional exceptions to the review period do occur and are identified.

2. The present report contains information on measures adopted by the government of Canada and the provincial and territorial governments within the stated period. It takes into account comments made by members of the Committee on the Elimination of Racial Discrimination during their examination of previous reports, and their requests for additional information.

3. While the Convention does not specifically refer to indigenous people, this report continues the practice of covering aspects of the situation of the Aboriginal peoples of Canada that are relevant to the Convention. It must be emphasized, however, that the Aboriginal peoples of Canada are not considered to be members of an "ethnic group", by either Aboriginal people themselves or the federal government. Emphasis is accorded the unique situation of Aboriginal peoples as Canada's original inhabitants and affirms their special relationship with the State, based on unique entitlements.

I. GENERAL

4. Canada is a federal state comprised of 10 provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan) and two territories[1] (Northwest Territories and Yukon). While the ratification of international treaties is the prerogative of the Government of Canada, implementation of the treaties requires the active participation of the governments which have jurisdiction over the subject matters covered. In Canada, the responsibility for areas covered by the International Convention on the Elimination of All Forms of Racial Discrimination is shared by the Government of Canada, the provincial governments and, following a delegation of authority by the Parliament of Canada, the territorial governments.

5. Federal, provincial and territorial ministers responsible for human rights, and their officials, maintain liaison and information exchanges with respect to the implementation of international human rights instruments, including the Convention, through a mechanism known as the (federal-provincial-territorial) Continuing Committee of Officials on Human Rights.

6. Canada prides itself on being a truly multicultural society, its cultural diversity being a demographic reality as well as a social reality that flows from the country's history and development. Immigration has played a significant role in the growth of the country, and in recent decades Canada has drawn large numbers of immigrants of virtually every ethnic origin, colour, and religious and cultural tradition.

7. Demographically,[2] in 1996, Canadians of Aboriginal ancestry accounted for 2 per cent of the population, while visible minorities made up 11 per cent (3.2 million individuals) of adult Canadians nationally, and roughly 31 per cent in the larger centres of Toronto and Vancouver.

8. Bearing witness to the change in immigration patterns of the past, about 42 per cent of Canadians reported at least one origin other than British, French or Aboriginal. These percentages are higher in Toronto (69 per cent) and Vancouver (66 per cent). The 1996 Census counted almost 5 million immigrants living in Canada (17 per cent of the total population). Canada's culturally diverse character and composition will continue to evolve into the twenty-first century, with the proportion of adult visible minorities projected to double by 2016. The "Nexus generation" is made up of 7 million Canadians between the ages of 18 to 34. A significant proportion of this generation (20 per cent) is composed of visible minorities. In this context, the Government's policy of multiculturalism is particularly important in addressing issues of race relations and cross-cultural understanding.

9. With the passage of the first Employment Equity Act in 1986 came the need for data on four designated groups: women, persons with disabilities, Aboriginal peoples, and members of visible minorities. Data on visible minorities derive from responses to question 19 in the census which requires respondents to mark or specify the group or groups to which they belong. Those who identify with groups other than White or Aboriginal are classified as "visible minorities". In some quarters, the progress made in the area of employment by some members of visible minorities raises the question of whether this group should be redefined. However, scientific studies continue to show that members of visible minorities still face discrimination in the marketplace even when they have the same market characteristics as non-minorities, in terms of level of education, place of birth, years of experience, age and occupation.

10. Canadian constitutional and legislative guarantees that together provide comprehensive protection against racial discrimination including guarantees with respect to language, culture, religion, education and Aboriginal peoples are the following: the Canadian Charter of Rights and Freedoms and other parts of the Constitution Act, 1982, the Canadian Bill of Rights, the Canadian Human Rights Act and provincial and territorial human rights legislation, the Employment Equity Act, the Official Languages Act, and the Canadian Multiculturalism Act and provincial multiculturalism legislation.

II. JURISPRUDENCE OF NATIONAL APPLICATION

Article 4

11. In *R. v. Moyer*, [1994] 2 S.C.R. 899, the Supreme Court of Canada upheld a conviction pursuant to section 182 (b) of the Criminal Code of offering indignities to human remains. The accused had desecrated identifiable gravestones in a Jewish cemetery. The issue was whether "offering indignities" requires physical contact with human remains and whether the section covers only indignities offered to human remains or indignities offered to monuments as well. Where monuments mark the presence of human remains, offering indignities to the monuments constitutes offering indignities to the human remains marked by the monuments. The court concluded that the accused's conduct in toto constituted acts of defilement and callous disrespect towards the remains of the individuals buried under the monuments.

12. In *R. v. Safadi* (1993), 108 Nfld. & P.E.I.R. 66 (P.E.I. S.C.T.D.), aff'd (1994) 121 Nfld. & P.E.I.R. 260 (P.E.I. S.C.A.D.), the accused was convicted of the wilful promotion of hatred against Jews under subsection 319 (2) of the Criminal Code.

Canadian Human Rights Act

13. The Canadian Human Rights Act continues to be used to prevent the dissemination of hate messages by telephone. The case of *Canadian Human Rights Commission v. The Heritage Front and Droege*, [1994] 1 F.C. 203, was launched in 1993, when the Commission obtained an injunction from the Federal Court to prevent the spread of telephone hate messages against visible minorities and Aboriginal peoples by the respondents. In 1994, in the case of *Canadian Human Rights Commission v. The Heritage Front and Droege*, [1994] 3 F.C. 710, the respondents were found guilty of contempt of court for disobeying the injunction issued by the Federal Court in the earlier case. The Heritage Front was fined Can$5,000 and the individual respondents were sentenced to terms of imprisonment ranging from one to three months. In May 1997, the Heritage Front announced the closure of its telephone hotline.

14. In the case of *Canadian Human Rights Commission v. National Knights Network of the Ku Klux Klan* (unreported, 19 August 1993), the Commission obtained a consent order from a human rights tribunal stopping the Ku Klux Klan from communicating hate messages. In the case of *Khaki, Elterman, Gill and Canadian Human Rights Commission v. Canadian Liberty Net* (1993), 22 C.H.R.R. D/347, a human rights tribunal found that the respondents had violated the law by promulgating telephone messages inciting hatred against visible minorities and members of the Jewish faith. The respondents were ordered to cease and desist.

15. In 1992, prior to the tribunal's decision, the Canadian Human Rights Commission had obtained an interlocutory injunction from the Federal Court, Trial Division, preventing the respondents from playing telephone messages until the tribunal rendered a decision: *Canada (Human Rights Commission) v. Canadian Liberty Net (No. 1)*, [1992] 3 F.C. 155; (1992), 26 C.H.R.R. D/194. Later in 1992, the Commission brought proceedings in the Federal Court, Trial Division, against the respondents for playing further telephone messages in violation of the Federal Court injunction. The respondents were found guilty of contempt of court for disobeying the injunction: [1992] 3 F.C. 504. The individual respondent was sentenced to two months' imprisonment and a $2,500 fine. The organization, Canadian Liberty Net, was fined $5,000.

16. The respondents sought in separate proceedings to appeal these decisions of the Federal Court, Trial Division. In the first appeal to the Federal Court of Appeal, the respondents claimed that the Federal Court, Trial Division, had no authority to issue an interlocutory injunction. The Federal Court of Appeal agreed and allowed the appeal: *Canada (Human Rights Commission) v. Canadian Liberty Net (No. 2)*, [1996] 1 F.C. 804; (1996), 26 C.H.R.R. D/242. In the second appeal, the respondents argued that if the Federal Court, Trial Division, had no authority to issue the injunction, they could not be found guilty of contempt of court for violating the injunction. The Federal Court of Appeal rejected this appeal, holding that a court order must be obeyed until it is reversed or stayed by the Court: *Canada (Human Rights Commission) v. Canadian Liberty Net (No. 3)*, [1996] 1 F.C. 787; (1996), 26 C.H.R.R. D/260.

17. Both of the Federal Court of Appeal decisions were appealed to the Supreme Court of Canada. In March 1998, the Supreme Court of Canada ruled that the Federal Court can issue interlocutory injunctions under the Canadian Human Rights Act and that the respondents had been properly convicted of contempt of court: [1998] S.C.R. 626.

III. MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

Article 2

Aboriginal programmes and issues

18. The Government of Canada is committed to building a new partnership with Aboriginal peoples. The resolution of outstanding land claims is a priority. Comprehensive land claims negotiations based on traditional use and occupancy of lands are continuing, often in conjunction with negotiations of self-government arrangements. Since May 1993, the Sahtu Dene and Métis Comprehensive Land Claims Agreement in the Northwest Territories has been signed and brought into effect. Four Yukon First Nations final agreements and separate self-government agreements have been signed, and on 14 February1995, legislation for the land claims settlement and self-government took effect. Negotiations are underway with other Yukon First Nations. Legislation has been enacted to bring into effect the land claims settlement in the eastern Arctic along with the Nunavut Act, which is the legal framework to establish Nunavut in 1999, a new territory where the Inuit form a majority of the population.

19. In British Columbia, the British Columbia Treaty Commission (BCTC) began operation in December 1993. BCTC is a tripartite, arm's-length body which facilitates and monitors treaty negotiations and allocates negotiation funding to Aboriginal groups in the province. To date, over 43 statements of intent to negotiate, representing over two-thirds of the First Nations, have been accepted. In 1996, an agreement in principle was reached between the Nisga'a people, Canada and British Columbia for the first modern-day treaty in British Columbia.

20. Specific claims settlements, which deal with breaches of lawful obligations under treaty or the Indian Act, are being reached more quickly than before. For example, 61 specific and treaty land claims, representing 417,000 hectares of land and $322.9 million, were negotiated in the three-and-a-half years up to April 1997.

21. The Royal Commission on Aboriginal Peoples, established in 1991, has completed an extensive research and public consultation process by visiting communities across Canada and hearing well over 1,600 Aboriginal intervenors and over 400 non-Aboriginal intervenors. The Commission's report, with 440 recommendations on a broad range of issues affecting Aboriginal people and Canadian society, was tabled in Parliament in November 1996. The Government is currently reviewing the Royal Commission's recommendations and will respond in due course.

22. Since the events at Kanesatake (Oka) in 1990, the federal government has been making efforts to settle the grievances of the Kanesatake Mohawks, taking into account the interests of the residents of Oka and Kanesatake. In June 1994, the Mohawk-Canada Round Table was established to find practical solutions to certain issues of concern to Kanesatake and two other Mohawk communities.

23. The federal government recognizes that Aboriginal peoples are over-represented in the Canadian criminal justice system as victims and offenders. Through the Aboriginal Justice Initiative, the Government has been gathering information to develop policies with the goal of increasing participation by Aboriginal communities in local administration of justice, and of reducing the representation of Aboriginal peoples in the justice system over the long term. The Aboriginal Justice Initiative has been successful in providing funding for pilot projects in Aboriginal and urban communities, research and knowledge advancement, as well as educational and cross-cultural activities, such as public legal education and conferences.

Inherent right to self-government

24. The Government of Canada is acting on the premise that the inherent right of self-government is an existing Aboriginal right within section 35 of the Constitution Act, 1982. In August 1995, the Government made public the policy approach which will guide federal representatives. Certain rights set out in negotiated self-government agreements could have protection as treaty rights under section 35 of the Constitution Act, 1982. Negotiations of arrangements to give effect to the inherent right of Aboriginal self-government are ongoing.

Diversity and the justice system

25. In 1992, the Federal-Provincial-Territorial Working Group on Multicultural and Race Relations in the Justice System was established to examine relevant issues and make recommendations as to how the justice system can provide better access and fair treatment for ethnocultural, racial and religious minorities in Canada.

26. In May 1996, the ministers responsible for justice requested that all justice proposals brought before them routinely incorporate considerations of the potential impact of initiatives on diverse communities in Canada. Consequently, the Federal-Provincial-Territorial Working Group on Diversity, Equality and Justice was created. Its mandate encompasses that of the Working Group on Multicultural and Race Relations. The scope of the work was expanded to consider, as well, the concerns of individuals who belong to one or more groups that frequently experience disadvantage in their dealings with the justice system. Consequently, in addition to ethnocultural, racial and religious minorities, the working group is concerned with the needs of women, Aboriginal peoples, persons with disabilities, children and youth, seniors, refugees, recent immigrants, the poor, gays, lesbians and bisexual persons, transgendered persons, and persons with low levels of literacy. During the reporting period, the working group provided diversity group analysis for initiatives and issues considered at the federal-provincial-territorial meetings of senior Justice officials. To aid in the analysis process, work was begun on designing a tool to assess the possible impact of policy proposals.

27. The federal Department of Justice provided empirical research support for the Federal-Provincial-Territorial Working Group on Multicultural and Race Relations in the Justice System, and its successor, the Federal-Provincial-Territorial Working Group on Diversity, Equality and Justice. A number of policy documents and research reports were produced on a variety of topics, including the legal needs of ethnocultural women, and complaint and redress mechanisms relating to racial discrimination. The Department of Justice is presently carrying out research in the areas of hate-motivated crimes and hate propaganda.

28. The Department of Justice's Grants and Contributions Fund is designed to support the department in promoting a more accessible, equitable, and efficient justice system that is sensitive to the diverse needs of the public. To this end, funding applicants are encouraged to demonstrate sensitivity to diversity and gender equality issues in order to prevent unequal impact on women and men, and on members of diverse communities.

29. Under this funding programme the Department of Justice has:

- Continued to contribute financially to the National Judicial Institute to support the continuing education of judges on issues arising from the diversity of Canadian society. The Canadian Judicial Council gave the Institute the task of developing, for judges, a detailed and advanced social-context education programme that includes issues relating to gender equality, visible minorities and Aboriginal peoples;

- Provided funding to the Canadian Bar Association (CBA) to support the work of the CBA Working Group on Racial Equality. The Working Group was established to conduct a comprehensive examination of the legal profession and develop recommendations for a more aware and responsive legal profession. The group focused on issues relating to race, colour, national and ethnic origin, and the intersection of race with gender, age, religion, sexual orientation, disability and other forms of discrimination;

- Provided funding in support of the Canadian Association of Black Lawyers' annual conferences. These conferences were aimed at creating a forum to link Black lawyers nationally, enhancing the quality of legal services offered to communities, broadening the representation and composition of the judiciary to be more reflective of the Canadian society, and increasing access to justice.

Court challenges programme

30. The Court Challenges Programme is designed to enhance access to justice and to ensure that Charter rights receive their full measure of protection. It does so by providing funding for court challenges brought by individuals and groups against government legislation under the equality rights guarantees and official languages provisions of the Canadian Charter of Rights and Freedoms. The programme is administered by an independent non-profit organization consisting of representatives of equality-seeking groups representing disadvantaged communities and individuals, organizations representing minority official language communities, and law faculties and bar associations. Since its inception, the programme has provided financial support for several hundred court challenges.

Canadian Forces Policy on racist conduct

31. As a result of allegations of racism which emanated from a military enquiry into the conduct of the Airborne Regiment in Somalia in 1993, the Canadian Forces promptly developed and promulgated a policy order for dealing with racist conduct by military members. The order reaffirms the principle of respect for the inherent dignity of individuals, without regard to race,

national or ethnic origin, or colour, and provides for administrative and disciplinary measures in cases of substantiated racist conduct. Racist conduct includes, but is not limited to: behaviour that promotes, encourages, or constitutes discrimination or harassment on the basis of race, ethnicity or colour; and participation or membership in groups or organizations that promote similar forms of discrimination or harassment. Routine procedures for explaining Canadian Forces policy in this area to prospective recruits were also put in place in 1993.

32. As part of a general effort to prevent the mistreatment of personnel in the Canadian Forces, a comprehensive harassment education and training programme, which contains modules on racism, has also been developed and recently implemented. All members of the Canadian Forces will be required to implement this programme, with completion expected by fall 1998. This is considered an interim programme which in the long term will be incorporated into all Canadian Forces occupational training.

33. In 1995, the Employment Equity Act was amended to, among other things, make the Canadian Forces subject to its provisions. While not yet in force pending creation of regulations particularizing the Act to the unique conditions of the Canadian Forces, work has been undertaken to verify that selection of personnel for recruitment, training and promotion is based on ability and the philosophy of the "best person for the job". In 1996, the Defence Diversity Council was created as the focal point for diversity within the Canadian Forces, and in 1997, a preliminary workforce analysis was carried out to determine the composition of the Canadian Forces in terms of three of the four designated groups (women, Aboriginal peoples, and visible minorities). The identification of barriers to both the numbers of members of these groups and their distribution within the rank structure is pivotal to determine if barriers exist and to decide on subsequent action.

Treasury board

34. In 1992, the Government of Canada acted to underscore employment equity in the public service in terms of both its legal standing and its openness to public scrutiny, by adding employment equity provisions to the Financial Administration Act. These provisions give Treasury Board, as employer of the public service, the power to designate groups found to be at a disadvantage in employment, and the responsibility to eliminate policy and attitudinal barriers hampering such groups. Designated groups are identified as Aboriginal peoples, members of visible minorities, persons with disabilities, and women. Treasury Board also has responsibility to take positive measures to ensure that the representation of members of designated groups within the public service is proportional to the representation of those groups within the workforce, or within that section of the workforce from which the public service recruits and promotes employees. The Treasury Board secretariat has established numerical goals for departments and agencies of the public service, and these institutions prepare plans for eliminating under-representation of designated groups in their workforces. Each year the President of the Treasury Board prepares a report to Parliament on the state of employment equity in the public service.

35. Between 1987 and 1997, the representation of Aboriginal peoples and of visible minorities in the public service evolved as follows:

Table 1

Public service minority representation

	1987	1991	1994	1995	1996	1997
Aboriginal peoples	3,809 (1.8%)	4,298 (2.0%)	4,492 (2.0%)	4,783 (2.2%)	4,665 (2.3%)	4,551 (2.4%)
Visible minorities	5,719 (2.7%)	7,810 (3.6%)	8,566 (3.8%)	8,914 (4.1%)	8,981 (4.5%)	8,690 (4.7%)

36. The Special Measures Initiatives Programme (SMIP) was established for a four-year period, from 1994-1995 to 1997-1998. The SMIP provides departments and agencies with financial, technical or other support to help them attain their objectives in terms of hiring, promotion, retention, training and development of members of designated groups. The programme's goals are as follows: to support departments and agencies in improving the situation of the members of the four designated groups; to incorporate diversity principles into their corporate culture; and to try out promising new approaches that take account of the current context in the federal public service.

37. The Programme includes a Special Measures Innovation Fund (SMIF), which is cost-shared with individual departments and designed to find new creative departmental initiatives for the four designated groups. On average, about $6 million is allocated annually to the SMIF.

38. In March 1997, the Treasury Board secretariat began an extensive evaluation of the SMIP. The evaluation was needed to help the Government decide the programme's future. The evaluation will, among other things, seek to clarify how responsibility for the establishment and performance of employment equity initiatives is shared between the departments and the SMIP. The evaluation will also look at the progress that has been made in changing behaviour, attitudes and relationships among employees, and between managers and employees in the federal public service in order to promote diversity management. Finally, the administration and management of the programme will be reviewed in terms of efficiency and effectiveness, and the viability and relevance of the SMIP will be evaluated.

39. Treasury Board has developed a video to inform public service employees about issues related to employment equity. *Exploding the Myths* debunks many of the myths and uncertainty surrounding the employment equity programme and presents facts on what employment equity really means. The video touches on the philosophy of employment equity goals and strategies for achieving them, while the accompanying guide provides valuable background material and points for discussion.

Employment equity

40. The new Employment Equity Act (EEA) received royal assent on 15 December 1995. The Act and its regulations came into force on 24 October1996. The purpose of the Act is to achieve equality in the workplace so that no person is denied employment opportunities or benefits for reasons unrelated to ability. Employers are required to correct the conditions of disadvantage experienced by members of visible minorities, Aboriginal peoples, women, and persons with disabilities.

41. The new Act expands coverage from the federally-regulated private sector to the federal public service (federal departments and agencies and Crown corporations) and gives the Canadian Human Rights Commission (CHRC) the mandate to enforce employer obligations. These obligations were clarified, without creating onerous new ones for employers. The Act requires employers to:

- Collect data and conduct workforce analysis in order to determine under-representation of designated groups;
- Conduct a review of their employment systems, policies and practices to identify barriers to the employment of these groups;
- Develop an employment equity plan to indicate the steps, including positive measures, that will be taken to remove those employment barriers;
- Communicate to their employees information on employment equity, including the accommodation of special needs;
- Collaborate with bargaining agents or employee representatives on employment equity issues.

42. The Act also makes it clear that there are no obligations to implement initiatives that would constitute an undue hardship for an employer, to create new positions, to establish quotas, or to hire and promote unqualified employees.

43. The legislation empowers the Canadian Human Rights Commission to conduct audits of all employers to verify compliance with the employer obligations set out in the Act. Although it permits the Commission to issue directives and establish tribunals to decide contentious cases, it is also explicit in stating that consensus is the preferred approach. The new Act provides for employment equity review tribunals, when required, at the request of the employer or the Commission. Tribunal decisions are final and binding.

44. The Commission is required to report on its audit activities and to assess the effectiveness of employment equity under the new Act. This will be part of the commission's annual report under the Canadian Human Rights Act.

45. The new Employment Equity Act affirms the role of the Minister of Labour to administer the legislation in the federally-regulated private sector. The Minister of Labour also provides private-sector employers with detailed data on the availability of the four designated groups in the Canadian labour market. The Labour Programme has developed and distributed ministerial guidelines intended to assist employers in implementing their obligations under the Act. However, the Treasury Board of Canada and the Public Service Commission are responsible for implementing employment equity in the public service.

46. The Minister of Labour is also responsible for administering the private-sector reporting requirements in the Act. On 1 June of each year, about 350 employers subject to the Act file with the Minister of Labour a report on their progress in implementing employment equity in the previous year. Each year, the Minister of Labour tables a consolidated employment equity annual report in Parliament that contains an analysis of these reports. Failure to file a report as required by the Act can result in an administrative fine imposed by the minister.

47. Public-sector employment equity reports are tabled in Parliament by the President of the Treasury Board.

48. The Federal Contractors Programme (FCP) was created by a Treasury Board decision in October 1986. Under this programme, provincially regulated employers with 100 or more employees who bid for and obtain federal government contracts of $200,000 or more, are required to implement an employment equity programme in accordance with specified criteria. With the passage of the Employment Equity Act (1995), the FCP remains in force. Although the programme is not based on legislation, the new Act requires the Minister to ensure that federal contractors implement employment equity in a manner equivalent to requirements under the Act.

49. Federal contractors are not required to file annual reports but are subject to periodic compliance reviews. Contractors who fail to meet the requirements of the Federal Contractors Programme may lose the right to bid on further federal government contracts.

Department of Indian Affairs and Northern Development

50. The mandate of the Aboriginal Workforce Participation Initiative (AWPI) was renewed and enhanced in 1996. AWPI's goal is to educate, inform and encourage employers to undertake Aboriginal employment strategies. The Department of Indian Affairs and Northern Development oversees the AWPI external component geared to employers outside the federal public service and has been involved in over 75 initiatives, including the start of a consultation process to develop the AWPI Employer Toolkit. The Treasury Board Secretariat looks after AWPI's internal component, aimed at the federal public services, and has promoted several projects with federal departments and agencies.

Department of Foreign Affairs and International Trade

51. As part of its three-year Employment Equity Plan (1994-1997), the Department of Foreign Affairs and International Trade is seeking to increase the representation of visible minorities among departmental employees to 4 per cent by 1996. Representation increased slightly in 1995 from a 3 per cent level to 3.2 per cent. The relatively slow rate of increase can

be attributed to the fact that recruitment activity throughout the federal public service is currently at a standstill. Of the 121 new foreign service recruits since 1993, an average of 14 per cent were from visible minority groups.

52. Although the overall number of Aboriginal employees in the department remains the same as in 1993, there has been an increase in the number of individuals of Aboriginal ancestry in the Foreign Service category as a result of the department's Aboriginal Internship Programme. Started in 1991, the intent of the Programme is to recruit qualified Aboriginal people who have successfully completed post-secondary studies and who exhibit the necessary requirements to meet the challenges and opportunities for career advancement within the Foreign Service. The department has recruited eight Aboriginal Foreign Service Officers since the inception of the Programme. To date, there are a total of 12 Aboriginal Foreign Service Officers within the department. The department continues to recruit Foreign Service candidates by advertising in a variety of Aboriginal newspapers and ethnic community publications.

53. The department continues to recognize the importance of working in a culturally diverse environment. As such, it is actively presenting all employees with the opportunity to attend diversity training workshops, designed to inform participants of the variety of issues related to working with others from different cultural backgrounds. These sessions provide an opportunity to share views and perceptions on dealing with one another while respecting the cultural values of everyone.

Canadian Multiculturalism Act

54. The Canadian Multiculturalism Act (1988) provides a policy and framework for federal institutions to promote and accommodate cultural diversity. Annual reports on the implementation of the Act by federal departments and agencies are required to be submitted to Parliament. Those prepared for fiscal years 1995-1996 and 1996-1997 are provided as an appendix to this report (appendix A).*

Citizenship and Immigration

55. Canada supports the accommodation of newcomers, their diverse backgrounds and cultures by encouraging a process of mutual adjustment by both newcomers and society. Integration of newcomers into Canadian society is a two-way process; newcomers are expected to understand and respect basic Canadian values, and society is expected to understand and respect the cultural differences newcomers bring to Canada. Rather than expecting newcomers to abandon their own cultural heritage, the emphasis is on finding ways to integrate differences in a pluralistic society.

56. Citizenship and Immigration Canada's settlement programmes and services assist immigrants in becoming participating and contributing members of Canadian society and promote an acceptance of immigrants by Canadians. While helping newcomers adapt and learn

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* Text of the appendix can be consulted in the files of the secretariat.

about their rights, freedoms and responsibilities and the laws that protect them from racial discrimination, settlement programmes also sensitize Canadians to different cultures and how diversity strengthens community life.

57. The Host Programme matches newcomers with volunteers who help them learn about available services and how to use them, practise their language skills, develop contacts in their employment field, and participate in community activities. In return, Host volunteers learn about other cultures and diversity.

58. The Language Instruction for Newcomers to Canada (LINC) programme provides basic training to adult immigrants in one of Canada's official languages. Curricula, which are developed and used by the organizations delivering the language training, include specific modules on newcomers' rights, freedoms and responsibilities and the laws that protect them from discrimination.

59. The Immigrant Settlement and Adaptation Programme (ISAP) provides funds for the delivery of services to newcomers, including reception, referral to community resources, community information/orientation, interpretation and translation, paraprofessional and employment-related services. ISAP-supported agencies are also provided with funding for staff training, some of which would pertain to cultural sensitivities.

Article 4

Amendments to the Criminal Code

60. On 15 June 1995, the Government of Canada amended the Criminal Code in relation to sentencing. Section 718.2 is in part a general statement of the purpose and principles of sentencing and has been included in the Criminal Code to provide guidance to the courts. The statement of purpose and principles of sentencing affirms that aggravating and mitigating circumstances should be taken into consideration. The provision specifies "evidence that the offence was motivated by bias, prejudice or hate based on the race, nationality, colour, religion, sex, age, mental or physical disability or sexual orientation of the victim" shall be deemed to be an aggravating circumstance.

61. Section 718.2 states, "A court that imposes a sentence shall also take into consideration the following principles:

(a) A sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,

(i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor, or

(ii) evidence that the offender, in committing the offence, abused the offender's spouse or child, or,

(iii) evidence that the offender, committing the offence, abused a position of trust or authority in relation to the victim shall be deemed to be aggravating circumstances;

(b) A sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;

(c) Where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;

(d) An offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and

(e) All available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders."

62. Concerns raised by the Committee for the Elimination of Racial Discrimination with respect to the existence of racist organizations are duly noted. The government has taken a number of measures to address issues related to hate crimes, hate propaganda and hate groups, which are reported under paragraphs 89 to 100 below.

Article 5

Canadian Human Rights Act

63. In April 1997, the Government introduced a bill in Parliament to amend the Canadian Human Rights Act. The bill included amendments to improve existing protections against hate messages by telephone: the addition of a $10,000 fine for contraventions, and provision for individuals who have been named in hate messages to seek compensation as a remedy. Other changes to improve the effectiveness of the law included: the creation of a new Canadian Human Rights Tribunal with full-time members for the first time; the strengthening of the law to deal with retaliation against persons who have filed human rights complaints; and increased compensation for victims of discrimination. This bill was not passed before the June 1997 federal election, but was reintroduced in Parliament in the fall of 1997, and passed in 1998.

Culture

64. In the area of broadcasting, issues relating to racial discrimination were included in the review of the Broadcasting Act, which was updated and became the new Broadcasting Act in 1991. The Canadian Radio-television and Telecommunications Commission regulates the issues of portrayal, employment equity, and ethnic and Native (Aboriginal) broadcasting. Neither the issues nor the Government's position on such issues have changed in the period under review.

65. The Department of Canadian Heritage promotes northern Aboriginal broadcasting through its financial support for Television Northern Canada (TVNC). TVNC is a television network in Canada's Far North that delivers Aboriginal, current affairs and educational programming by satellite to an audience of 100,000 people spread across the Yukon, the Northwest Territories, Northern Quebec and Labrador. Broadcast unscrambled via the Anik E1 satellite, TVNC carries 100 hours of programming per week in 11 different Aboriginal languages and dialects plus English. Much of the programming is produced by Aboriginal communications organizations funded by the Northern Native Broadcast Access Programme of the Department of Canadian Heritage. Programming is also provided by the Canadian Broadcasting Corporation and northern educational institutions.

Article 6

Canadian Human Rights Commission

66. In August 1992, a Human Rights Tribunal ruled in *Grover v. National Research Council* (1992), 18 C.H.R.R. D/1, that the Council had discriminated against one of its scientists because of his race, colour and national or ethnic origin. It found that the Council's behaviour towards the complainant carried "the subtle scent of discrimination" and ordered that he be appointed to a senior position and compensated for past wrongs.

67. An expansive approach to remedial awards for lost wages was exercised by the Federal Court in the case of *Pitawanakwat v. Canada (Secretary of State)* (1992), 19 C.H.R.R. D/110. The complainant, of Ojibway ancestry, alleged that she was treated differently, harassed, and eventually terminated by the Department of the Secretary of State because of her race. A 1992 tribunal decision had held that the department's behaviour was motivated in part by racial discrimination, but that the complainant had also contributed to the situation. Consequently, no award was made for hurt feelings and she received two years lost wages. On appeal, the Federal Court released a ruling in April 1993 that clarifies a number of remedial principles for human rights cases. The purpose of a human rights remedy is to make the victim whole, and what is required of a tribunal is that it be able to explain its award in relation to the facts of each case. With no predetermined ceiling on the periods for awarding lost wages, and the complainant's conduct irrelevant in determining an award, the Court held that the tribunal committed errors of law by limiting the complainant's award to twenty-four months' salary without an analysis, by failing to order that she be reinstated to her former place of work (or another place satisfactory to her), and by not ordering any compensation for hurt feelings.

68. In November 1993, the Federal Court upheld the jurisdiction of the Canadian Human Rights Commission to deal with potentially discriminatory actions taken by immigration officers who issue visas in *Canada (Secretary of State for External Affairs) v. Menghani*, [1994] 2 F.C. 102 (F.C.T.D.). The *Menghani* case confirms that the principle of equitable treatment is not suspended in dealing with immigration matters. Canadian jurisprudence in this area is clear: even if there is no intent to treat someone unfairly, when a manifestly discriminatory effect results, that in itself constitutes the basis for a finding of discrimination.

69. From 1978 to 1985, the only non-White employee in CP Rail's division in Vancouver and Port Coquitlam complained to management of the racist climate and name-calling fomented by his foreman. The employer did not stop the harassment, did not conduct an impartial investigation, and tried to solve the problem by getting rid of him. In June 1993, a Human Rights Tribunal found CP Rail liable for the discrimination.

70. A number of significant tribunal decisions were handed down in 1994 on the issue of racial and ethnic harassment. In the case of *Rodovanovic v. VIA Rail* (unreported, but see http://www.chrt-tcdp.gc.ca/decisions/docs/rodovanovic-e.htm), the complainant was repeatedly subjected to discriminatory treatment, insults and jostling by a colleague because of his national origin. Because the employer took no necessary steps to prevent these actions or to mitigate their effects, VIA Rail was ordered by the tribunal to compensate the complainant for pain and suffering, and to send him a letter of apology.

71. Employer liability was extended even further in a second decision in 1994. In *Canada (Attorney-General) v. Uzoaba* (1994), 26 C.H.R.R. D/361, the complainant was subjected to racially harassing telephone calls while on the job, and assaulted by an inmate for racial reasons. Negative performance appraisals by the employer were due, in part, to the comments of inmates deemed to hold racist views. The employer offered the complainant only inappropriate positions and gave him bad references. No effort was made to find him a suitable position in the federal public service. The tribunal found that Correctional Services condoned the behaviour of the inmates, and therefore ordered Correctional Services to rehire the complainant and to issue him a letter of apology, provide him with appropriate training, a promotion, and pay him damages for hurt feelings.

72. In *Swan v. Canadian Armed Forces* (1994), 25 C.H.R.R. D/312, a First Nations individual from the Lake Manitoba Reserve serving as a military policeman was subjected to racial slurs and jokes while on the job. He was also unfairly denied leave, because of his race, to attend a family funeral. In October 1994, a tribunal ordered the Armed Forces to improve their response to complaints of harassment and amend their policy so that investigations are conducted, wherever possible, by personnel outside the complainant's chain of command. In awarding the complainant damages and ordering that he be provided with a written apology, the tribunal observed that, for a harassment policy to work, it must be "scrupulously enforced".

73. Circumstantial evidence was considered sufficient in the 1995 consideration by a Human Rights Tribunal of *Chander v. Department of Health and Welfare* (1995), 29 C.H.R.R. D/272. The complainants were employed as research scientists with the department when a competition was announced. Both employees were issued letters of rejection dated the same day they underwent interviews for the positions. The tribunal found the interviews to be "subjective and perfunctory", and conducted unprofessionally. There was also evidence that the employer had decided not to hire the complainants before the interviews were conducted. The department's explanations were inconsistent with the evidence. Moreover, the tribunal found that both complainants were qualified.

74. The Canadian Human Rights Commission engaged Mr. John Samuel, an Ottawa sociologist, to conduct a study aimed at identifying barriers to the hiring and promoting of minorities within the federal public service. His report, Visible Minorities and the Public Service of Canada, was released in February 1997, and noted the government's inferior record in hiring and retaining visible minorities. It also found that visible minority employees see the public service climate as unresponsive and hostile, and that some aspects of the staffing system effectively prevent visible minority candidates from being hired and promoted. Participants in the study emphasized that commitment from the highest levels is needed to effect change, although they felt that managers, from the top on down, are not fully committed to increasing visible minority representation.

75. The findings of the study were borne out in the Human Rights Tribunal decision of *National Capital Alliance on Race Relations (NCARR) v. Health Canada* (1997), 28 C.H.R.R. D/137. NCARR had alleged that the very low proportion of visible minorities in senior management at Health Canada (formerly the Department of Health and Welfare) was evidence of systemic discrimination. The tribunal upheld NCARR's complaint. "The essential element of systemic discrimination is that it results from the unintended consequences of established employment systems and practices," the tribunal said in its ruling. "Its effect is to block employment opportunities and benefits from members of certain groups." For example, it found that visible minorities were largely excluded from developmental assignments. The tribunal ordered remedial action in directing Health Canada to meet specific targets for the hiring and promotion of visible minorities to executive positions. It also ordered mandatory diversity and employment equity training for all senior managers and directed the department to tailor its recruitment to attract visible minority candidates.

Article 7

The March 21 anti-racism Campaign

76. The annual March 21 Campaign, marking the International Day for the Elimination of Racial Discrimination, underscores Canada's unique approach to combating racism and fostering values of respect, equality and diversity, putting the federal government at the forefront of efforts to eliminate racism. Initiated in 1989, the Campaign has evolved into a multi-faceted, public education initiative that utilizes social marketing to maximize its outreach, particularly to youth between the ages of 12 and 18, and to demonstrate the importance with which Canadian corporations view this critical social issue.

77. An innovative aspect of the 1995 campaign was the development of advertising for movie theatres across the country. Powerful advertisements on the theme of racism were screened over a four-week period beginning 17 March reaching approximately 1.5 million Canadians. This advertising has received international attention.

78. In addition, posters on the theme "Understanding is the Key to Eliminating Racism Put Yourself in the Other Person's Shoes" were mounted in transit shelters, subways and shopping malls across the country.

79. Also, March 21 information and resource kits, which are distributed to every school across Canada as well as to a broad range of community organizations, have facilitated the holding of regular events aimed at eliminating racism in schools, communities and places of work. During 1988-1989, more than 230 events marking March 21 took place in cities and towns in all regions of the country.

80. The Stop Racism national video competition was launched in 1996-1997 and invites youth to form teams of three to five persons with a view to producing a short video expressing their ideas on how to eliminate racism. Each year, 10 national winning teams are awarded prizes and brought at government expense to participate in the Stop Racism concert and awards programme that is broadcast nationally, usually on 21 March.

81. Planning has begun on a new initiative entitled "Racism. Stop It! Action 2000." Building on the increasing success of the annual March 21 Campaign, this initiative will seek to mobilize youth, artists and leaders around the world in the struggle against racism. Conceived as a special millennium youth project, "Action 2000" will invite Canadian youth between the ages of 15 and 24 to take up one of 21 predetermined activities as part of the Stop Racism Tour Canada Youth Challenge.

Mathieu Da Costa Awards Programme

82. The Mathieu Da Costa Awards Programme was announced by the Minister of Canadian Heritage and the Secretary of State (Multiculturalism) (Status of Women) in February 1996 to mark the Parliament of Canada's official designation of February as Black History Month.

83. The programme commemorates Mathieu Da Costa, the first recorded Black person in Canada, who worked as an interpreter between the early French explorers and the Mi'kmaq people. Open to elementary and secondary school students between the ages of 9 and 19, the Awards Programme encourages youth to explore the contributions of individuals of ethnic and racial minority background to the building of Canadian society by submitting essays, short stories or art exemplifying the qualities of mutual respect and understanding.

84. Award winners and a parent/chaperone are brought to the National Capital Region to participate in an awards ceremony and to receive their prizes. A weekend programme is undertaken to familiarize the winners with the nation's capital and to afford them opportunities to further discover the role diversity has played in shaping Canadian history. All participants in the awards programme receive certificates of merit.

Metropolis Project

85. The Metropolis Project is a major international interdisciplinary policy-research initiative designed to forge robust knowledge partnerships among researchers, policy makers and communities to ensure that public policy in the area of diversity is forged on the basis of sound academic research.

86. This project has fostered cross-government dialogue on a vast array of issues emerging from an increasingly diverse population. The result has been a dramatic increase in nationally and internationally comparative research on best practices and issues arising from diversity. This, in turn, has led to an increasing awareness among all three stakeholder communities (policy makers, researchers, and community organizations) that to revise, create and implement the best public policies requires partnership that extends to each level of the research endeavour.

Citizenship Education Research Network

87. Building on the long Canadian experience of creatively managing the tensions arising from diversity, the Citizenship Education Research Network (CERN) has grasped the urgent need to ensure that this creativity is passed along to the next generation of Canadians. As a result, a large number of researchers, policy makers, think-tanks and community organizations came together to create CERN. They collaborated to create a comprehensive and flexible research programme designed to ensure that the development of citizenship education across Canada reflects the diversity of Canadians and their experiences. The success of this network can be measured by its connection with a recent initiative of the Council of Ministers of Education which is currently preparing a pan-Canadian citizenship education framework.

Renewal of Canada's Multiculturalism Programme

88. In 1996, the Department of Canadian Heritage completed a comprehensive review of its Multiculturalism Programme to ensure that its activities keep pace with changes in Canadian society. The renewed programme, launched in the spring of 1997, emphasizes a social development approach to engaging ethnic and racial minority communities in public policy discussion and the governance of Canadian institutions. The new programme pursues five main objectives which include increasing public understanding of racism, combating hate and bias-motivated activity, and assisting public institutions to become more inclusive and free of systemic racism and discrimination. Financial and technical support is available for projects which address the programme's objectives and which involve the active participation of minority communities.

Coordination of federal government action on hate crime and biased activity

89. In 1996-1997, the federal government, through the Department of Canadian Heritage (Multiculturalism Programme), the Solicitor General and the Department of Justice, established an interdepartmental process to bring various players together to coordinate federal action on hate crime and bias activity.

90. The Multiculturalism Programme of Canadian Heritage also developed an inventory of the various responsibilities and initiatives of federal departments and agencies with respect to hate crime and bias activity. It can be used for coordinating federal action on this issue.

91. In 1997, the Multiculturalism Programme focused on hate crime and bias-motivated activity on the annual International Day for the Elimination of Racial Discrimination on 21 March. This programme targeted a large audience of youth aged 13 to 18 years through an information guide entitled "Racism. Stop It", issued for use by teachers and other resource people. It also reached the Canadian public through the mass media.

Dealing with hate-motivated activities

92. The Department of Canadian Heritage contributes to the development of legislative and non-legislative options to address issues of hate-motivated activities, including the spread of hate messages, by working in partnership with pertinent government bodies, the law enforcement community and community organizations.

93. The department has been involved in federal-provincial-territorial discussions focusing generally on issues relating to hate propaganda. It chaired, in 1993 and 1994, a series of interdepartmental meetings with the departments of the Solicitor General, National Defence, National Revenue, and Justice to share information on how different departments are responding to this issue, particularly the importation and exportation of hate propaganda.

94. In April 1997, the Secretary of State (Multiculturalism) (Status of Women), in cooperation with the Solicitor General and the Minister of Justice, convened a national planning meeting on hate crime and bias activity. Representatives of community groups most affected by hate crime and bias activity were asked to identify the key issues requiring action and to recommend how government and other stakeholders might best address these issues.

95. In 1996-1997, Parliament passed amendments to the Criminal Code that permit courts to sentence criminals more severely when their acts are motivated by hate based on prejudice against any group protected by human rights legislation.

96. In 1996-1997, the Department of Canadian Heritage and the Department of Industry commissioned a comparative review of the various international government-policy approaches to combating hate on the Internet.

97. Some of the Multiculturalism Programme's actions directed at racism, hate and bias activities are coordinated at the regional level. This ensures a more direct focus of policies at the community and regional levels. It will be useful, for the purpose of this report, to highlight some examples of the Programme's regional and district activity:

- In the Chilliwack region of British Columbia, through Canadian Heritage's regional office, the Chilliwack Anti-Racism Project Society received support for a two-day conference on how hate groups function. The workshop provided key training for individuals in the community. The local municipality and community groups participated;

- In Atlantic Canada, a research project coordinated by the Nova Scotia Barristers' Society was supported by Canadian Heritage's Atlantic region. It was established to determine the areas of discrimination experienced by Black and East Indian lawyers. It is expected to improve employment opportunities for minority group lawyers and to lead to legislative reform to eliminate these areas of discrimination;

- A project to counter the problems of racial violence and intolerance in public schools in Moncton, New Brunswick, was supported by the Atlantic regional office of the Department of Canadian Heritage. It was implemented through the Multicultural Association of the Greater Moncton Area;

- Canadian Heritage's Prairie region (Saskatchewan area) supported a project that organized cultural camps to sensitize provincial judges about discrimination faced by Aboriginal people, including exposure to sentencing circles and other aspects of traditional Aboriginal justice methods.

98. In 1994, the department provided funding to the League of Human Rights of B'nai Brith Canada for a symposium on the legal remedies for hate crimes. The symposium was attended by key stakeholders, including government, law enforcement, justice and legal professionals and community representatives. Follow-up activities include the forging of a network of stakeholders dealing with the legislative and non-legislative responses to hate crime.

99. Funding has recently been provided to the Canadian Association of Chiefs of Police to produce and disseminate a guide for police chiefs on the subject of hate and bias-motivated crime. The guide is to assist in developing appropriate responses to hate-motivated activities. Several police services, for example, have created "bias crime" units to deal with this particular form of crime.

100. To coincide with a nationally televised documentary on the activities of hate groups in Canada, the department provided financial and technical assistance for the development of a brochure on dealing with hate groups. The brochure was distributed to high-school students across the country.

The Canadian Race Relations Foundation

101. The Canadian Race Relations Foundation was created by the Government of Canada to reaffirm the principles of justice and equality for all in Canada. The Canadian Race Relations Foundation Act was given royal assent in February 1991 and proclaimed by the federal government on 28 October 1996. At the time of the proclamation, the foundation received a one-time endowment of $24 million from the Government of Canada. Since its endowment, the foundation has undertaken a number of initiatives across Canada that focus on public education to dispel myths, to oppose stereotypical portrayals, and to present positive images of racial minorities and Aboriginal peoples. In addition, it has established a research programme to further the understanding of racism and to identify potential solutions.

Creating accessible institutions

102. In order to restore the confidence of the citizens to whom they are accountable, institutions must become more accessible, responsive and reflective of the total community. This is a matter not only of fairness and equity, but also of cost effectiveness, social harmony and public confidence.

103. On International Human Rights Day, 10 December 1993, the Department of Canadian Heritage launched *Toward Full Inclusion: Gaining the Diversity Advantage*, a guide to planning and carrying out change in Canadian institutions. This prototype outlines the steps and provides the tools necessary to help institutions change their policies, programmes and practices in response to diversity. In 1993-1994, the department offered training courses for staff and representatives of public institutions on the use of *Toward Full Inclusion*. Over 350 copies of the guide have been distributed for field use across the country, in private and public institutional settings.

104. Conflict resolution offers a non-litigious alternative approach to dispute resolution in an increasingly diverse society. In 1994, the Department of Canadian Heritage worked with the Canadian Institute for Conflict Resolution to train public servants in community-based conflict resolution. Training in conflict resolution leads to the acquisition of generic skills which can be applied in conflict situations arising from cultural, racial, gender, linguistic, interpersonal or other issues.

105. A key aspect of this pilot project was the establishment of a network of resource people in federal departments and agencies. Participants in the training project have organized an interdepartmental working group and are taking responsibility for developing follow-up strategies and areas of collaboration.

Citizenship and Heritage Week

106. Each year, Citizenship and Immigration Canada (CIC) and the Department of Canadian Heritage sponsor Citizenship and Heritage Week. Building on citizenship ceremonies, the week helps inform Canadians of the attachment new Canadians have and promotes values, including tolerance and mutual respect. In addition, some regional Citizenship offices hold special citizenship ceremonies and invite guests to speak about human rights and freedoms in Canada in celebration of International Human Rights Day, 10 December. CIC is also but one contributor to *Scattering of Seeds*. This video series, launched in 1997, tells the stories of immigrants to Canada and highlights their experiences and contributions. Teaching materials complement the videos that help bridge gaps between immigrants and citizens.

National recognition of Aboriginal achievements

107. At the conclusion of the United Nations International Year of the World's Indigenous People, the National Aboriginal Achievement Awards were established to recognize and promote the outstanding achievements of Aboriginal people in diverse fields throughout Canada.

These awards are continuing with the International Decade of the World's Indigenous People. As well, in 1996, 21 June was declared National Aboriginal Day to recognize the contributions and achievements of Aboriginal people in Canada.

Canadian Human Rights Commission

108. In recognition of the importance of education in the effort to promote justice and equality, the Canadian Human Rights Commission launched an interactive game on its Internet site (http://www.chrc-ccdp.ca/promotion/hydra/play.asp). Erasing the Hydra of Hate is an outgrowth of a poster called Stop the Hatred, which was developed with educators and students and community anti-racism groups from the province of Manitoba. Both the game and the poster are aimed at helping young Canadians understand how hatred and racism develop and learn what each person can do to stop them.

IV. MEASURES ADOPTED BY THE GOVERNMENTS OF THE PROVINCES*

BRITISH COLUMBIA

General

109. This report contains information on policy developments respecting the elimination of racial discrimination during the period of June 1993 to May 1997. As such, this document represents an amalgamation of British Columbia's submissions to the thirteenth and fourteenth reports on the International Convention on the Elimination of All Forms of Racial Discrimination.

110. British Columbia is an ethnically diverse province. At the time of this report, the total population of British Columbia is approximately 3,724,500. Those who are particularly vulnerable to racial discrimination include recent immigrants and Aboriginal groups. For the period 1991-1996, the total immigrant population was 216,615, while the total Aboriginal population was 139,655.

111. Since 1989, the top five source countries of immigrants to British Columbia have consistently been Hong Kong, Taiwan, the Philippines, India and mainland China. These five sources represented 64.8 per cent of all immigrants to British Colombia in 1993. Those from Hong Kong and Taiwan tended to fall into the business and retired class, while immigrants from India, China and the Philippines were heavily concentrated in the family class. More than two-thirds of the recent Filipino immigrants were females who tended to be admitted under the Live-in Caregiver Programme. On the whole, British Columbia received fewer refugee claimants while attracting proportionally more economic immigrants than other Canadian provinces. For example, during the 1994-1996 period, Vancouver received 4,947 refugee applications, which represented only 4 per cent of the overall landings in Vancouver. In contrast, Toronto received 22,179 refugee applications in the same period.

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* In geographical order, from west to east.

Article 2

Legislative, judicial or other measures

112. Essentially, there are three overlapping legislative schemes that address the issue of racial discrimination in British Columbia. First, there is the Canadian Charter of Rights and Freedoms. As one of the cornerstones of the Canadian Constitution, the Charter applies to all provinces and territories. In addition, British Columbia has passed two acts designed to promote equality amongst its citizens: the Human Rights Code, R.S.B.C. 1996, c. 210, and the Multiculturalism Act, R.S.B.C. 1996, c. 321.

Canadian Charter of Rights and Freedoms

113. The equality provisions guaranteed by the Charter are set out in subsection 15 (1): "Every individual has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

114. The primacy of this provision is revealed in subsection 52 (1) of the Constitution which states, "The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect." In effect, any provincial law which violates the equality provisions of section 15 could be struck down.

115. Please see appendix B for the full text of the Canadian Charter of Rights and Freedoms.*

Human Rights Code

116. Like the Charter, the Human Rights Code also prohibits discrimination on the basis of race, colour, ancestry, and place of origin. Please see appendix C for the text of the code.*

117. The essence of the code is to protect against discrimination in four broad areas: employment; publications; sale and rental of property; and lastly, services, facilities, and accommodation that are customarily available to the public.

118. The period from 1993 to 1997 witnessed a series of important developments in the human rights scheme in the province. In February 1994, the provincial government commissioned law professor and human rights expert Bill Black to conduct a complete review of the British Columbia human rights system. After holding extensive meetings throughout the province, Mr. Black submitted his findings in September 1994. In his report, Mr. Black recommended a structural and procedural reorganization of the British Columbia Human Rights Council. In short, he advocated a separation of the Council into two distinct bodies: a commission, and a tribunal. In this way, there would be a separation of adjudicative functions, on the one hand, from educational and activism functions, on the other.

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* The text of the appendix can be consulted in the files of the secretariat.

119. This separation of functions was conceived to permit the agency to play a more proactive role in advancing human rights while meeting the need to preserve the impartiality of a tribunal. Previously, it would have been difficult, for example, for the council to publicly denounce racist acts for the simple reason that if the acts culminated in a complaint, the agency would then be asked to adjudicate the matter. The new system eliminates this fetter on the agency's effectiveness. Furthermore, it addresses issues of systemic discrimination and patterns of inequality in British Columbia and permits the agency to intervene in or become a party to complaints.

120. Effective 1 January 1997, the provincial government adopted Mr. Black's recommended structural and procedural amendments, and the British Columbia Council of Human Rights was replaced by the British Columbia Human Rights Commission and the British Columbia Human Rights Tribunal. As well, a Human Rights Advisory Council was established as a vehicle to transmit the views of the community to the Human Rights Commission and the Minister Responsible for Human Rights.

121. The British Columbia Human Rights Commission plays a broad public education role. While its activities are too numerous to list in full, examples of its involvement include presenting seminars and workshops to various professional associations as well as community organizations on anti-racism and multicultural themes; offering advice and assistance to employers setting up employment equity programmes; presenting theatrical works addressing the theme of human rights; and issuing press releases on significant hearing decisions to increase public awareness of human rights issues. The Human Rights Tribunal is an independent, quasi-judicial body that adjudicates and mediates human rights complaints that have been referred to it by the Human Rights Commission.

Multiculturalism Act

122. After extensive round-table consultations with diverse community representatives throughout British Columbia, the provincial government proclaimed the Multiculturalism Act on 9 September 1993.

123. Section 2 of the Act states:

> "The following are the purposes of this Act:
>
> (a) To recognize that the diversity of British Columbians as regards race, cultural heritage, religion, ethnicity, ancestry and place of origin is a fundamental characteristic of the society of British Columbia that enriches the lives of all British Columbians;
>
> (b) To encourage respect for the multicultural heritage of British Columbia;
>
> (c) To promote racial harmony, cross cultural understanding and respect and the development of a community that is united and at peace with itself;

(d) To foster the creation of a society in British Columbia in which there are no impediments to the full and free participation of all British Columbians in the economic, social, cultural and political life of British Columbians."

124. A copy of the Act detailing the provincial government's policy on multiculturalism has been provided in appendix D.*

Other

125. Also in 1993, the British Columbia government, in partnership with its unions, developed policies and procedures to deal with harassment and discrimination in the workplace, including racial discrimination. The objective of the policy is twofold: to prevent discrimination and harassment, as well as to provide an effective procedure for dealing with such complaints. In order to familiarize employees with the new policy and procedures, mandatory harassment awareness workshops were held throughout the government between 1993 and 1995. This new policy is broad in scope and is meant to govern not only interaction between public-sector employees themselves but also interactions between employees and the clients they serve.

126. In addition, the Multiculturalism Branch of the Ministry of Attorney-General promotes and protects British Columbia's rich multicultural heritage. Thus, one of its principal mandates is to work toward the elimination of racism.

127. Each year, this branch plays an active public-education role by, among other things, organizing activities around the International Day for the Elimination of Racial Discrimination, on 21 March; hosting anti-racism forums, including those specifically aimed at youth; and funding numerous organizations throughout the province in their efforts to promote multicultural values. For example, in 1995-1996, 29 community organizations with a primary mandate of anti-racism received $751,220 in grants. That funding commitment was maintained in 1996-1997.

Article 4

Hate propaganda and incitement of racial discrimination

128. In June 1993, in response to concerns regarding hate literature and other forms of discriminatory publications, British Columbia passed the Human Rights Amendment Act, 1993 prohibiting publication or display of any statement, notice, sign, symbol, emblem or other representation that indicates discrimination or an intention to discriminate or is likely to expose a person or group of persons to hatred or contempt because of the race, colour, ancestry, or place of origin of that person or that group of persons.

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* The text of the appendix can be consulted in the files of the secretariat.

129. The staff of the British Columbia Human Rights Council, as it then was, followed up on the 1993 amendments by giving a number of presentations on the impact of the new provisions. The Council advised various professional groups, including police officers, lawyers, and librarians.

130. Another important development in British Columbia was the creation of the provincial Hate Crime Team on 24 April 1996. The team, composed of members of the Royal Canadian Mounted Police (RCMP) and Vancouver Police Department, Crown counsel and policy staff from the Ministry of Attorney-General, was created to prevent and support the investigation and prosecution of hate-motivated activities.

131. The Hate Crime Team, in partnership with the Multiculturalism Branch of the Ministry of Attorney-General, tracks racially motivated offences. Its other objectives include supporting the development of community resources to assist individuals experiencing racial discrimination; developing a referral service for individuals dealing with racism; engaging in ongoing community consultations; and, finally, acquiring anti-racism resources to be used by community organizations.

132. To support the objectives of the Hate Crime Team, a series of forums and community consultations on the topic of hate crime were hosted in various cities throughout British Columbia. In addition, the team commissioned research on the promulgation of hate material on the Internet. For example, funds were dedicated to assist the Mayor of Oliver in developing a community response to the emergence of a local Internet service provider supporting hate-related sites.

Article 5

Equality before the law

133. From December 1992 to May 1993, the government of British Columbia commissioned Justice Anthony Sarich to inquire into the relationship between the Aboriginal community and the police, Crown prosecutors, courts, probation officers and family court counsellors in the administration of justice in the Cariboo-Chilcotin region. The inquiry firmly established Aboriginal justice issues as a major government priority.

134. In response to the report, released in October 1993, the government has attempted to improve relations between First Nations and provincial authorities. For instance, in order to begin healing the historic rift between First Nations communities and law enforcement agencies, the Attorney-General of the province issued an apology for the hangings of Chilcotin chiefs during an uprising in the nineteenth century. In addition, funding was also provided for the archaeological excavation of the chiefs' grave sites to ensure a proper burial.

135. During the same period, the provincial government also established the Oppal Commission on Policing in British Columbia to investigate and report on a broad range of policing issues, including public confidence in the system. Justice Oppal's final report, Closing the Gap: Policing and the Community, was submitted in 1994. Following Justice Oppal's

recommendations, the provincial government has adopted a new model for handling complaints, including complaints of racial discrimination, under the Police Act, R.S.B.C. 1996, c. 367 (see appendix E).* The new model creates an independent Complaint Commissioner with expanded powers of oversight and review to ensure a more effective and efficient process for resolving complaints.

136. The government has also implemented other race relations initiatives, including intercultural education for police, court workers and other justice personnel. As well, the Ethnocultural Equality Working Committee was established to work in conjunction with the national Working Group on Multicultural and Race Relations in the Justice System to identify and carry out priority empirical research to determine the nature and extent of systemic bias in the justice system. Another method adopted by the government in order to meet its goal of ensuring equal access to justice programmes and employment is the attempt to attract recruits to law enforcement agencies to ensure that they represent the full cultural diversity of the province.

137. A further justice reform goal in British Columbia is to promote equality in the use of discretion in the system. Areas in the justice system where discretion is particularly important include diversion to alternative measures programmes, restorative justice programmes, release and bail procedures, and jury selection. Work on this justice reform goal is ongoing.

Security of the person

138. The Canadian Charter of Rights and Freedoms guarantees the right of security of the person in section 7, which states, "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." As previously explained, the Charter is binding on all the provinces and territories of Canada.

139. To minimize the potential for violent interaction between law enforcement officers and citizens of the province, specialized training for law enforcement recruits is offered. This specialized training of police and correctional officers is delivered primarily via the Justice Institute of British Columbia through the operations of the Police Academy and the Corrections Academy. Training of municipal police recruits at the Police Academy emphasizes those sections of the Canadian Charter of Rights and Freedoms which concern the legal rights or various protections afforded those persons in contact with the Canadian criminal justice system. These legal rights, together with the Charter sections which address equality rights and remedies available for the infringement of Charter rights, receive significant review and analysis throughout the recruitment training process.

140. For further information on police training and on the protection that British Columbia offers its citizens against violence or bodily harm, please refer to Canada's third report on the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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* The text of the appendix can be consulted in the files of the secretariat.

Political rights

141. The right to vote in a federal election is constitutionally guaranteed in section 3 of the Canadian Charter of Rights and Freedoms.

142. British Columbia also guarantees the right of all citizens over the age of 18, regardless of ethnicity, to vote in provincial and municipal elections pursuant to the Election Act, R.S.B.C. 1996, c. 106.

143. Further information on the protection of political rights can be found in British Columbia's contribution to Canada's fourth report on the International Covenant on Civil and Political Rights.

Other civil rights

144. Other civil rights, such as mobility rights and freedom of expression, are constitutionally guaranteed in the Canadian Charter of Rights and Freedoms. In addition to the Charter, the Human Rights Code offers further protection. For instance, the Code ensures the right of access to any public service.

145. Please refer to British Columbia's submission to Canada's third report on the International Covenant on Economic, Social and Cultural Rights for information on the protection of civil rights not included in this report.

Article 6

Remedies

146. As previously mentioned, subsection 52 (1) of the Constitution gives Canadian courts the legislative authority to review any piece of provincial legislation to ensure it accords with the principles underpinning the Constitution. If a piece of provincial legislation is ultra vires the Constitution of Canada, the court may choose to strike the act down or to read it down so that it remains consistent with the Constitution.

147. In addition, there is a specific remedies section within the Canadian Charter of Rights and Freedoms to deal with violations of the Charter. Please refer to subsections 24 (1) and (2) of the Charter (included in appendix B) for further information.

148. With respect to violations of the Human Rights Code, several remedies are available to members of the Commission. These remedies include: (a) a cease-and-desist order; (b) making available the right, opportunity or privilege that was denied; (c) compensation for any wages lost or any expenses incurred; and (d) damages for injury to feelings and self-respect.

149. In July 1993, British Columbia's human rights scheme was amended to remove the $2,000 limit on general damages to individuals. Another change allows class action suits and authorizes the Commission to order remedies affecting a whole class of persons.

150. In the event a party to a human rights complaint is dissatisfied with the B.C. Human Rights Tribunal decision, that party does have a further right to appeal. The dissatisfied party may seek judicial review of the decision in the British Columbia Supreme Court.

151. Finally, all members of the public have redress to the provincial Ombudsman if dissatisfied with treatment they have received at the hands of public officials or agencies. Under the authority of the Ombudsman Act, (a copy of which is provided in appendix F)* the Ombudsman can investigate complaints to ascertain whether the public is being treated fairly.

Article 7

Education, culture and information

152. The government of British Columbia strives to incorporate First Nation, multicultural and anti-racism materials and principles into its education programmes. For example, in 1993-1994, the Ministry of Education dedicated funding to initiatives such as the review of curricula and resources for anti-racism components, as well as the incorporation of anti-racism resources into the Learning for Living curriculum and the development of a Planning Guide for Multicultural and Anti-Racism Education to assist teachers. At the same time, funding was provided to the Centre for Curriculum and Professional Development to ensure anti-racism and diversity themes were included in curriculum development. The following year, the Ministry of Education incorporated multiculturalism and anti-racism themes into all Integrated Resource Packages developed for teachers in the kindergarten-to-grade-12 public education system. In 1996, new principles for school accreditation were developed which now include considerations of students' tolerance and respect for others. In May 1997, 240 educators in British Columbia received questionnaires as part of the activities of the Canadian Council for Multicultural and Intercultural Education (CCMIE). Results of the Canada-wide survey will be used to help combat racism in Canadian schools.

153. In conjunction with activities of the Ministry of Education, both the Multiculturalism Branch of the Ministry of Attorney-General and the British Columbia Human Rights Commission have significant education functions. While activities are simply too numerous to detail in an exhaustive list, examples of the Multiculturalism Branch's educational role include the organization of provincial anti-racism forums (March 1995) as well as youth anti-racism forums (April 1996, November 1997). Other initiatives have included anti-racism poster campaigns, training for teachers and school administrators on equity and anti-racism issues, student workshops, and support of theatrical productions with anti-discrimination themes, such as "Goodbye, Marianne - A Dynamic Theatrical Approach to Combating Racism in B.C. Schools".

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* The text of the appendix can be consulted in the files of the secretariat.

154. The British Columbia Human Rights Commission has offered educational programmes and workshops to schools, businesses, employers, community organizations, law firms and labour groups. In addition, the Commission has supported creative endeavours such as the production of plays with anti-discrimination themes. As well, since 1984, the Commission has invited school children to submit creative works on human rights issues to mark International Human Rights Day on 10 December.

ALBERTA

General

Alberta Multiculturalism Commission

155. The Alberta Multiculturalism Commission, formed in 1988, assists in promoting the benefits of cultural diversity. The Alberta Multicultural Act affirms the government's commitment that all Albertans be given the chance to participate and contribute to the cultural, social and economic life of Alberta.

Alberta Human Rights, Citizenship and Multiculturalism Act

156. In July 1996, Alberta's human rights legislation was amended to become the Alberta Human Rights, Citizenship and Multiculturalism Act. This new Act includes the multiculturalism issues that were covered under the former Multiculturalism Act. The Alberta government, through the Department of Community Development, continues to promote the understanding and acceptance of diversity with this new Act and to protect human rights to ensure that all Albertans can participate and contribute equally to the cultural, social and economic life of Alberta.

Alberta Aboriginal Affairs

157. Aboriginal Affairs develops government-wide policy and strategic recommendations to guide the province's relationship with Aboriginal people in a manner that balances the interests of all Albertans. Aboriginal Affairs provides advice to the Premier, ministers, government departments and agencies, Aboriginal and non-Aboriginal organizations and the business sector.

Article 2

Alberta Aboriginal Affairs

158. In each fiscal year from 1993/94 to 1996/97, Alberta Aboriginal Affairs has provided approximately $600,000 in funding to the province's 20 Native Friendship Centres. The objective of Friendship Centres is to improve the quality of life for Aboriginal people in urban environments. Friendship Centres support self-determined activities which encourage equal access and participation of Aboriginal people in Canadian society and which respect and strengthen the increasing emphasis on Aboriginal cultural distinctiveness. With the

programming funding, numerous projects aimed at improving cultural and cross-cultural awareness were supported at Friendship Centres during this reporting period, including powwows, workshops, community liaison activities, Aboriginal dance, crafts and language lessons.

159. Aboriginal Affairs was involved in the negotiation of land claim settlements with the Government of Canada and several First Nations, resulting in the conclusion of an agreement with one Nation in 1995 and the signing of a memorandum of intent with another in 1996. In 1995, the Alberta government and 22 of the 45 First Nations in Alberta signed the Understanding on First Nations/Alberta Relations. The Understanding commits the parties to discuss issues of mutual interest and concern.

160. In 1995-1996, Aboriginal Affairs initiated the Community Liaison Office on Employment and the Economic Enhancement Programme to increase business, employment and training, to promote linkages between business and community, and to develop economic action plans in remote Aboriginal communities.

Alberta community development

161. Alberta's human rights legislation was amended in 1996 to include Native spirituality as a religious belief as one of the protected grounds under the Human Rights, Citizenship and Multiculturalism Act.

162. Community Development's Field Services Branch is involved in community-based decision-making with Aboriginal Bands and has also been involved in various projects involving Métis Bands: strategic planning for Métis Nation Zone 3, staff training for Métis Nation staff, and a workshop for the Métis Urban Housing Corporation.

163. The Sport and Recreation Branch provided grant funds, with Alberta Aboriginal Affairs, totalling $200,000 to the Indigenous Sport Council to assist with Team Alberta's participation in the 1997 North American Indigenous Games.

164. The Historical Resources Branch responded to complaints about the possible derogatory nature of a geographical place name, "Chinaman's Peak". Research was conducted, and public hearings were held on the matter, resulting in the name being officially rescinded in May 1997 after being found derogatory in nature.

Alberta Family and Social Services

165. Alberta Family and Social Services, with the federal government, has signed agreements with First Nation child and family service agencies to deliver provincial child welfare services to persons ordinarily residing on the reserves served by the agencies. At 1 June 1997, 29 of the 45 First Nations in Alberta are served by such agreements. Alberta has signed agreements with certain interested First Nations to deliver a programme similar to the provincial child welfare programme to persons living in defined areas close to the reserve which is the subject of the agreement.

Alberta Justice

166. In 1993, Alberta Justice established the Office of the Coordinator, Aboriginal Justice Initiatives. The Office is responsible for advising departmental senior management on all Aboriginal issues and programmes, and for coordinating the implementation of the recommendations of the 1991 Task Force on the Criminal Justice System and its Impact on the Indian and Métis People of Alberta. The Office liaises with key stakeholders within the criminal justice system and the Aboriginal community to encourage development of Aboriginal justice initiatives to meet the needs of the Aboriginal community and to address the requirements of the task force report.

167. Alberta has been working closely with Aboriginal communities to facilitate the transfer of control and responsibility for justice programmes to those communities. Alberta Justice sponsored several cultural camps and affirmed its commitment to Aboriginal people by supporting Aboriginal policing schemes, Aboriginal community corrections agreements and centres, and by employing Aboriginal justices of the peace. Initiatives in this area include community corrections agreements covering the provision of probation, fine options, court worker, parole and crime prevention programmes, and agreements for the running of minimum security camps and correctional centres. As well, Aboriginal awareness training is provided on an ongoing priority basis to staff in Alberta's correctional facilities, Aboriginal elder positions have been funded in major correctional centres, and Aboriginal spiritual and cultural practices are encouraged in adult and young offender centres.

168. In the area of policing, the Alberta government signed, or was in the final stages of signing, agreements covering many First Nations to establish Aboriginal policing services with full policing responsibilities. In addition, consultations took place with most other First Nations in the province to identify their policing needs and to ensure that policing services provided by the RCMP meet those needs.

169. Poundmaker's Lodge Adolescent Treatment Centre, which gained national prominence for treating the children from Davis Inlet, Labrador, is operated under contract by an Aboriginal organization. The Alberta Alcohol and Drug Abuse Commission and the Department of Justice also fund specialized addictions services provided within the context of the cultural and spiritual traditions of Aboriginal society.

170. Alberta Justice developed a strategy paper on Aboriginal recruitment and employment. Initiatives include the development and implementation of non-traditional recruitment methods, training programmes and a tracking system. An inventory of Aboriginal applicants and a referral service are provided to the department.

171. Aboriginal programming continues as a priority in the Correctional Services Division. Correctional Services now contracts for the operation of one independently operated Aboriginal correctional centre. Alberta Justice continues to honour its agreements and work closely with Aboriginal communities to transfer the control and responsibility for Justice programmes to those communities.

172. Alberta Justice participated in the Canadian Bar Association inquiry into racial equality in the legal profession, and its initiatives towards racial equality are: to ensure that racial equality exists in hiring practices and in the delivery of all legal and non-legal programmes; to provide assistance to Aboriginal people through Native Court Worker and Correctional Officer programmes; to ensure that people are treated equally regardless of race in all criminal prosecutions; and to provide language and interpretive services if needed in criminal prosecutions. Alberta Justice has a no-tolerance policy relative to any unacceptable behaviour and any violation of the Human Rights, Citizenship and Multiculturalism Act.

Alberta health

173. Alberta Health announced the Aboriginal Health Strategy for Alberta Health in June 1995 and published a report entitled *Strengthening the Circle: What Aboriginal Albertans Say About Their Health*. The strategy will provide over $3 million in funding by the year 2000 towards proposals for improving Aboriginal health and access to health care; one such proposal is to implement a zero-tolerance policy towards racism and discrimination in the health system. In 1996, the Northern Communities Project, planned by Alberta Health, health service providers and the northern communities, began operation. This project will improve access to primary and mental health services in remote northern, primarily Aboriginal, communities.

Alberta Municipal Affairs

174. Alberta Municipal Affairs, the Métis Nation of Alberta Association and Canada Mortgage and Housing Corporation signed a memorandum of understanding confirming their intent to begin negotiations to develop a means for the delivery and administration of social housing programmes, focusing on community-based initiatives.

175. As part of the Alberta Municipal Affairs Business Plan, a key goal is "to ensure that the department's programmes, legislation and policies are adequate and fair and that services and grants are targeted to those citizens, municipalities and organizations in greatest need". In addition, a core business activity of the Housing and Consumer Affairs Division includes "ensuring those Albertans most in need have access to basic shelter"; another is "to foster a fair marketplace for all Albertans". These goals and activities are fulfilled without any form of discrimination based on race, colour, descent, or national or ethnic origin. The intent of these programmes and the acts administered by the Division are for the benefit of all Albertans. Under the acts, if Albertans believe discrimination played a role in their dealings with others, they are referred to the proper regulatory body, the Alberta Human Rights and Citizenship Commission.

Article 4

Alberta Justice

176. Alberta takes a firm view on the prosecution of the specific crime of hate-mongering and launched a successful appeal of the sentence given to a person convicted of hate propaganda for teaching young children to hate Jewish people. Special circumstances prevented the Appeal Court from ordering a one-year prison term in this case; however, the court ordered 200 hours of

community service, preferably in service of those "who have come to Canada as victims of racial, religious or ethnic hatred elsewhere". It is the position of Alberta Justice that sentences for offences motivated by racism should be increased and that courts should consider racism as a relevant aggravating factor in sentencing.

Article 7

Alberta Aboriginal Affairs

177. Aboriginal Affairs distributed approximately $400,000 in grants for cultural awareness projects between 1993-1994 and 1996-1997. The majority of these projects were conferences, powwows or commemorative celebrations. Two historically oriented projects were also undertaken.

Alberta community development

178. Alberta Community Development Field Services Branch has been involved with several multicultural programmes run by immigration and cultural centres and specific ethnic community groups in the province.

179. The Sport and Recreation Branch, in partnership with a group of Aboriginal communities and other departments, operates the Alberta Future Leaders Programme, which provides leadership training and skills to Aboriginal youth.

180. Alberta Foundation for the Arts supports the arts in Alberta and provides funding to events and activities, such as the Dreamspeaker's Festival and heritage festivals organized by Alberta's ethnic communities, which promote interracial understanding and harmony and encourage awareness of Aboriginal and other cultures.

181. Alberta Historical Resources Foundation has funded numerous community-based heritage awareness projects that tell the story of the province's minorities through historical markers, roadside signs, film, recorded oral histories and publications. The Provincial Museum is undertaking a multi-million dollar refurbishment of its Aboriginal peoples gallery with sponsorship from the Syncrude Corporation. Through sites such as the Head-Smashed-In Buffalo Jump and the Provincial Museum of Alberta, the province offers cultural bridges to the local and international visiting public through interpretive programming.

Alberta Multiculturalism Commission

182. In 1991, the three-year Multiculturalism Action Plan was implemented. In 1994, following a public review of the Action Plan , a new plan, "Multiculturalism ... the Next Step" was released. Its goals are: to eliminate racial discrimination in Alberta; to achieve an understanding of, and a commitment to, valuing diversity in government and among all Albertans; and to promote community leadership and self-sufficiency in diversity planning and programming.

183. In 1997, the Human Rights and Citizenship Commission created and launched the pilot Aboriginal Internship Programme as an initiative to improve Aboriginal Albertans' awareness of and access to human rights protection. The Citizenship Services Branch administers the $1.1 million Human Rights, Citizenship and Multiculturalism Education Fund, providing grants for projects that promote diversity and remove barriers to equal participation in the cultural, social and economic life of Alberta. Examples of these projects are the annual Diversity Summer Institute on understanding and managing cultural diversity, the fall Managing Diversity Symposium for business managers, and the Cultural Ambassadors programme. Citizenship Services also provides consultation, information and education to Albertans on human rights, discrimination, and diversity. In 1996-1997, Citizenship Services began work on an educational video to raise awareness of the impact of racial and other forms of discrimination in an effort to reduce and eliminate incidents of discrimination.

Alberta Advanced Education and Career Development

184. Alberta Advanced Education and Career Development (AECD) established the following programmes which improve access to training and education for Aboriginal people to increase their employability: Native service contracts to deliver employment preparation training to Aboriginal Albertans; funding for the Métis Education and Training subcommittee; and contracts through the Summer Temporary Employment Programmes providing work experience opportunities for Native youth.

185. AECD distributes a booklet, *Welcome to Alberta*, which provides information to assist new immigrants to Alberta, and publishes *English Express*, a newspaper for adults learning to read English as a second language and literacy learners. In addition, AECD contracts with immigrant service agencies to assist immigrants in a variety of ways with the transition to living and working in a new culture. AECD develops and distributes several publications free of charge to schools, career development centres and the public. Examples of these (developed in cooperation with Alberta Economic Development) are *New Immigrants New Neighbors*, developed to support the Grade 7 social studies curriculum, and *Managing Cultural Diversity in the Workplace*, developed for use by employers. In 1996, the 1994 publication *Defining Work: An Aboriginal Perspective*, a guide to individual career planning, was updated and reproduced.

Alberta Education

186. Alberta Education has implemented a requirement that all curriculum and learning and teaching materials approved by the department meet strict guidelines on tolerance and understanding of all races. This expectation is part of a broader requirement encompassing age, gender, disability and socio-economic status.

187. Alberta Education was involved with Aboriginal people in the development of various language and cultural learning resources.

Alberta Economic Development and Tourism

188. Alberta Economic Development and Tourism supported several projects involving Aboriginal business advisory services, assisted in the launch of a pilot entrepreneurial project for young people, provided support for opportunity identification in the forestry sector, and was involved in other economic development strategies for Alberta's Aboriginal citizens.

Alberta Labour

189. The International Qualifications Service at Alberta Labour began operations in June 1994. This service was created in response to an Alberta government Task Force on the Recognition of Foreign Qualifications. The Service recognizes the educational qualifications of immigrants to facilitate their entry into the labour market, post-secondary institutions and professional associations in Alberta.

SASKATCHEWAN

190. Saskatchewan's submission to Canada's thirteenth and fourteenth reports updates to April 1997 the information contained in Canada's twelfth report.

General

191. In 1994, the government of Saskatchewan, through the Aboriginal Policy Framework, made a policy commitment to prevent and overcome identified inequities and barriers based on racial and cultural differences. In 1994, a partnership between the Saskatchewan Indian and Métis Affairs Secretariat, the Public Service Commission, and the Saskatchewan Indian Federated College was established to develop an Indian and Métis awareness programme. The goals of the educational programme were: to increase understanding and appreciation for Indian and Métis peoples, their histories, cultures and legal status; and to coordinate an approach to cross-cultural awareness within government and beyond.

192. The Aboriginal Cultural Awareness Programme, which emphasizes participatory learning, is now in the final stages of development. The Indian Federated College ensured the cultural appropriateness of the programme content, and the Public Service Commission ensured that the format was appropriate, both as an adult learning programme and for delivery within government. It is expected that the programme will be available in 1997 to provincial government departments, delivered by Aboriginal facilitators.

193. The Saskatchewan Indian and Métis Affairs Secretariat's Aboriginal Employment Development Programme was established to increase the employment opportunities of Aboriginal people. Elements of this programme include the application of employment equity at all levels and removal of barriers based on racial and cultural factors.

194. As of April 1997, partnership agreements have been signed between the Indian and Métis Affairs Secretariat and eight of Saskatchewan's health districts. The agreements are intended to address workforce needs and reduce disparity. All of the agreements are designed to increase Aboriginal employment in the health-care sector.

195. Rather than targeting a specific number of jobs for Aboriginal people, these partnerships are about, first, identifying all the opportunities for economic and employment development and, second, ensuring that Aboriginal people have equal access to compete for those opportunities. In addition to identifying employment and economic development opportunities, racial and cultural barriers to Aboriginal participation are also identified in order that strategic initiatives can be developed to overcome these barriers.

196. Partnership agreements are currently being discussed that would see the expansion of the Aboriginal Employment Development Programme beyond the health districts to both government and non-government agencies.

Article 2

Saskatchewan Human Rights Commission

197. The Saskatchewan Human Rights Commission continues to be the agency responsible for administering and promoting the Saskatchewan Human Rights Code. Since the twelfth report, the Saskatchewan Court of Appeal has considered section 14 of the code, which prohibits the publication or display of any representation "which exposes, or tends to expose, to hatred, ridicules, belittles or otherwise affronts the dignity" of any person or class of persons because of any prohibited ground of discrimination, including race, nationality, ancestry or place of origin. Saskatchewan is one of the few Canadian jurisdictions which has such a provision. An elaboration of the Court of Appeal decision is contained under article 4, paragraph 242.

(a) Race discrimination complaints

198. The Saskatchewan Human Rights Commission received 259 discrimination complaints between April 1994 and March 1995. Of these, 37 (14.3 per cent) were based on Aboriginal ancestry and 19 (7.3 per cent) on other forms of ancestry. The largest number of Aboriginal ancestry complaints (21) involved discrimination in the provision of public services. The largest number of "other ancestry" complaints (10) involved employment.

199. The Commission received 411 discrimination complaints between April 1995 and March 1997. Of these, 42 (10.2 per cent of the total) were based on Aboriginal ancestry and 30 (7.3 per cent of the total) were based on other forms of ancestry. Again, the largest number of Aboriginal ancestry complaints involved discrimination in the provision of public services. The largest number of "other ancestry" complaints involved employment.

200. Three boards of inquiry were held between April 1995 and March 1997 dealing with discrimination on the basis of Aboriginal ancestry. In the first case, an Aboriginal woman was denied entry to a Saskatoon restaurant. As well, the doorman made a racist remark about her.

The restaurant's owner was ordered to pay the complainant $1,500 in compensation for injury to feelings and loss of self-esteem. In the second case, a board of inquiry awarded a Regina man $2,000, saying he had been treated in a reprehensible fashion by his employer. The board found that one of the owners made derogatory remarks to the employee about Aboriginal people and referred to the employee in a derogatory way based on his Aboriginal ancestry. In the last case, two Aboriginal men were subjected to derogatory racial comments on the job. They were each awarded $700 for injury to feelings.

(b) Employment equity

201. In 1993, the Provincial Cabinet directed all Crown and Treasury Board corporations and agencies to develop employment equity plans which are approved under the Saskatchewan Human Rights Code and monitored by the Commission. As noted in our previous report, the Commission approves equity plans which target women, people with disabilities, Aboriginal peoples and members of visible minorities. Because an equity plan takes a year or more to develop, this initiative did not yield major results until 1994.

202. Between January 1994 and March 1995, the Commission approved eight new employment equity programmes, including seven covered by the Cabinet directive. This was a 44 per cent increase over the 18 approved equity programmes at the end of 1993. In addition, Commission staff are working with sponsors on over a dozen employment and education equity programmes for future commission approval.

203. Between April 1995 and March 1997, the Commission approved six new employment equity programmes. As well, Commission staff monitored 60 ongoing employment and education equity programmes and did developmental work on many others.

204. In 1996, the Commission introduced a simpler employment equity process for small employers (those with fewer than 25 full-time employees). The simpler process recognizes the reduced resources and opportunities of this group to initiate equity programmes. Ninety-three per cent of all employers in Saskatchewan are small employers.

(c) Education equity

205. In 1995, the Commission's Education Equity Report marked its tenth anniversary. The Report provided the impetus for the education equity programme described in previous reports under this Convention. In 1995, the Commission invited the 19 school boards with approved education equity programmes to participate in an assessment of the initiative to date.

206. The goal of the education equity programmes is to develop supportive classrooms for Aboriginal children and encourage them to complete Grade 12. Now, most school boards with significant enrolments of Aboriginal students have equity programmes. All programmes focused on five goals: reviewing curriculum to include Aboriginal content; increasing the involvement of Aboriginal parents in the school system; increasing the number of Aboriginal teachers;

reviewing school policies and practices for bias against Aboriginal people; and providing cross-cultural training for all teachers. Most plans now also include anti-racism or anti-discrimination policies, procedures to deal with discriminatory incidents, and training for staff.

(d) Review of the Human Rights Code

207. In 1993, the Human Rights Commission embarked on a thorough review of human rights law in the province, as well as a review of the structure and procedures of the Human Rights Commission itself. This review was conducted over a three-year period and a report titled *Renewing the Vision* was released in July 1996. One hundred and fifty-two recommendations were made.

208. The recommendations modernize enforcement of the Saskatchewan Human Rights Code and the promotion of human rights in the province. One of the recommendations contained in the report is that the prohibited ground of race be removed from the code and the prohibited ground of ancestry be defined to include colour, perceived race, and place of origin. That recommendation is grounded in the belief that the focus should be placed on racism and not on the presumed race of individuals. One way to move away from divisions based on race is to remove the word race from the code as a prohibited ground. The Commission is in the process of consulting community groups on this issue.

Environment and natural resources

209. The Saskatchewan Environment and Resource Management Department (SERM) continues the work described in Canada's twelfth report. The department has created a cultural diversity committee, whose role is to ensure that staff needs are met with respect to cross-cultural training. It envisions an organizational structure within the department in which people respect cultural values and customs.

210. During 1996-1997, the Aboriginal Affairs Policy Framework was developed; it outlines the department's commitment to Aboriginal peoples and guides staff in their relations with Aboriginal communities. The framework's policy statement states that achieving sustainable environment and resource management in Saskatchewan depends upon the direct and meaningful involvement of Aboriginal peoples in environment and resource-management decision-making. It encourages and facilitates partnerships with Aboriginal groups in environmental protection, renewable resource management and departmental policy/programme development. In addition, it commits SERM to provincial employment equity goals of increased Aboriginal employment in all capacities as well as promoting approaches that allow Aboriginal peoples to achieve environmentally, economically and socially sustainable communities.

211. In 1996, SERM was awarded the Aboriginal Government Employees' Network Industry Award, which is based on the following criteria: corporate commitment to Aboriginal peoples; building and strengthening relationships with Aboriginal communities; increasing Aboriginal employment; promoting Aboriginal business development; and Aboriginal education and cultural sensitization forums.

Multiculturalism

212. In January 1995, Saskatchewan municipal government released a discussion paper entitled *Responding to the Community: Proposals for Cultural Development*. The discussion paper outlined seven proposals for the restructuring and rejuvenation of the arts, cultural industries, heritage and multiculturalism sectors. One of the proposals included the drafting of new multiculturalism legislation to replace the outdated 1974 Saskatchewan Multiculturalism Act. This was achieved through public consultations and establishment of the Multiculturalism Legislation Framework Consultation Committee. The Committee submitted its final report to the Saskatchewan government in August 1996. A new Multiculturalism Act was drafted and enacted on 28 April 1997.

213. Saskatchewan was the first province to include Aboriginal peoples in its definition of multiculturalism. In fact, the new Multiculturalism Act's definition of multiculturalism includes all people. Saskatchewan was also the first to address social justice and human rights issues in its legislation.

214. Another of the proposals outlined in the discussion paper was to establish an Interim Multiculturalism Committee to examine the potential for consolidating multiculturalism, including funding, within one agency or structure. The committee is expected to submit its final report to the Saskatchewan government by June 1997.

215. Several initiatives aimed at promoting multiculturalism and eliminating racism and discrimination have been undertaken by Saskatchewan municipal government:

- Each year, the Minister Responsible for Multiculturalism designates a week in November as Multiculturalism Week. All citizens are encouraged to celebrate Saskatchewan's rich cultural heritage and share in the cultural activities organized by communities throughout the province;

- Each year, the government of Saskatchewan initiates special projects to commemorate March 21, the International Day for the Elimination of Racial Discrimination. This special day promotes the benefits, understanding and appreciation of diversity and demonstrates the government's commitment to a racism-free society. In 1996, the department provided financial resources to six of the province's multicultural cultural organizations (collectively known as the Saskatchewan Multicultural-Intercultural Association) to design and produce posters, banners, and buttons depicting an anti-racism message/theme for distribution province-wide. Activities for March 1997 included an anti-racism seminar initiated and facilitated by the department and administered by the association;

- To address racism in northern Saskatchewan, the department entered into a contract with the Kikinahk Friendship Centre to conduct a Northern Race Relations Conference in La Ronge. The conference featured a series of workshops on the social structures, intercultural relations, and perspectives of First Nations and Métis people,

particularly in northern Saskatchewan. The theme of the conference was "Open communication breaks the chains of racism". The report on the conference, submitted to the department in February 1996, identified factors that influence racism in northern Saskatchewan, and outlined plans for future action, including the monitoring and evaluation of effective change;

- The Province of Saskatchewan, in concert with the Federation of Saskatchewan Indian Nations, Saskatchewan Parks and Recreation Association, Sask Sport Inc., University of Regina, Department of Secretary of State of Canada, and the Multicultural Council of Saskatchewan, formed the Elimination of Racism in Sport and Recreation Committee. The Committee has developed a policy, a leaders' manual, and a facility sign to promote the elimination of racism. The Committee is now developing a resource kit, which includes an instructional video, the policy statement, the leaders' manual and a facility sign. The resource kits will be available at no cost to communities and sport and recreation organizations to assist them in eliminating racism from sport and recreation; and

- The department worked closely with the Saskatchewan Multicultural-Intercultural Association to hold the first Multicultural-Intercultural Conference. The forum, held in February 1997, provided the multicultural community with the opportunity to participate in workshops and have round-table discussions on issues of concern related to multiculturalism. Topics included language, immigration, religion, economic opportunities, cultural awareness, and a youth workshop on "Retaining your culture".

Social services

216. A number of initiatives have been undertaken to improve the delivery of social programmes to First Nations and Métis people:

- Section 61 of the Saskatchewan Child and Family Services Act allows the Minister of Social Services to enter into agreements with First Nations for design and delivery of their own child and family services programmes in reserve communities. Sixteen bilateral agreements have been negotiated with First Nations for this purpose. There are currently eight operational First Nations Child and Family Services Agencies in the province;

- Several other sections of the Saskatchewan Child and Family Services Act address issues related to First Nations; for example, subsection 37 (10) requires at least 60 days' notice to a First Nations band if an application is being made for a permanent or long-term care order with regard to a band member;

- The Department of Social Services has developed a programme focused primarily on First Nations and Métis children in the care of the Minister of Social Services, which is designed to facilitate reconnection to their families and communities. This

programme resulted from consultation among First Nations, Métis communities and government and is intended to address the issue of the disproportionately high number of First Nations and Métis children in care. This programme will also have an effect on the problems faced by First Nations and Métis children who have been adopted by non-Indian and Métis families and who, as adults, are trying to trace their cultural and racial roots;

- Arrangements have been made with several First Nations in the northern part of the province to deliver social assistance services to their band members who reside off-reserve.

- The Department of Social Services has implemented several models of restorative justice for youth and young offenders which are intended to prevent or reduce the length of custody orders. These models target young people, victims of young offenders and families, and include:

  (a) A victim's consultation process administered by the Regina Friendship Centre; the Family Preservation Programme which is focusing on recruiting First Nation and Métis service providers;

  (b) Alternative measures programmes operated by First Nations or Métis organizations which provide alternatives to court proceedings for youth;

  (c) Young-offender day programmes operated by First Nation or Métis organizations which provide a variety of educational, leisure and accountability-focused programmes intended to reduce offending behaviours in high-risk youth; and

  (d) Restorative Youth Justice programmes, some of which are operated by First Nations and Métis organizations.

- The Department of Social Services is targeting $200,000 in the 1997/98 fiscal year to assist with community development in northern communities. This funding will assist northern communities which have large Métis and First Nations populations to identify their issues, and support community responses to uniquely northern problems.

The Public Service Commission - Employment equity and harassment protection

217. The 1995 collective bargaining agreement signed between the government of Saskatchewan and the Saskatchewan Government Employees Union (SGEU) builds upon a previous commitment to cooperate in formulating, implementing and monitoring an employment equity programme. The agreement also established a Joint SGEU/Management Employment Equity Committee and departmental employment equity committees.

218. The agreement reiterates that the goals of the programme are to identify, eliminate and prevent discriminatory policies, practices and barriers. In addition, the function of the Joint Committee is to introduce measures to redress the effects of past practices and to accelerate proportional representation of the designated groups throughout the public service. The agreement states that all classes of positions may be utilized for employment equity staffing; previously, only entry-level positions and a limited number of higher-level positions were considered.

219. The collective agreement, now in its third year of implementation, also contains an anti-racism and anti-discrimination initiative. In the past year, the implementation committee has coordinated three province-wide training programmes involving approximately 600 employees. Departments have taken responsibility for strategizing around the best mechanisms for continuing to roll out this programme, given their priorities and resources. An orientation programme was developed to assist departments in providing a 1.5-hour policy orientation to employees and managers as requested.

220. The Public Service Commission provides coordination of applicant inventories aimed at increasing the representation of all employment equity-designated group members. The Aboriginal and visible minority inventories are promoted to potential candidates through a variety of community groups, presentations and networking. Staffing consultants with the Public Service Commission encourage managers to recruit from these inventories for permanent and non-permanent hiring within the public service.

221. The government of Saskatchewan continues to employ a complaint-based mechanism to address allegations of racial, ethnic, gender and sexual harassment in the workplace. This involves an investigation of the allegations by a two-person union-management investigation team. If the investigation determines it is warranted, the employer may discipline an employee who engages in racial, ethnic, gender or sexual harassment of another employee. The government's anti-harassment policy is currently under review. A joint union-management committee is examining the effectiveness and efficiency of the policy as it relates to reducing harassment in the workplace.

222. The Aboriginal Cultural Awareness Programme initiative has recently been finalized. Through the cooperation of the Saskatchewan Indian Federated College (SIFC), the Saskatchewan Indian and Métis Affairs Secretariat (SIMAS) and the Public Service Commission, a flexible modularized programme has been researched and developed. The purpose of this programme is to provide government employees with the information to better understand the Indian and Métis cultures in order to improve race relations both among workers and between workers and clients. The programme consists of a core programme (two days) that covers the historical context. There are four additional modules that departments can access based on group or departmental need. Deputy ministers will be receiving an orientation to this programme on 1 May. It is anticipated that the programme will be printed and ready for distribution to departments in May. It will then be up to departments to strategize on how they wish to implement the programme.

Justice

223. The Strategic Plan of the Department of Justice includes an Aboriginal core strategy which is designed to "foster a justice system relevant to, respectful of and respected by Aboriginal people through measures, both within the existing system and as developed by Aboriginal people". To further this strategy, the department has undertaken a number of community justice development activities in partnership with Aboriginal communities. These initiatives include:

- Establishing 19 First Nations policing agreements through which First Nations have a direct relationship with police via a Police Management Board and through a contract with local policing;

- In 1995, the Saskatchewan government reintroduced the Aboriginal Court Worker Programme, which is run by an advisory board whose members are appointed by the provincial Minister of Justice as recommended by the Department of Justice, the Federation of Saskatchewan Indian Nations and the Métis Nation of Saskatchewan. Justice Canada also provides a représentative to assist and to act as a resource person. Court worker services are provided by Aboriginal carrier agencies located throughout the province. The objectives of the programme are to assist Aboriginal accused persons to understand their rights, options and responsibilities before the criminal courts and to explain court procedures and the operation of the criminal justice system to the accused person, his or her family and the community. The programme provides counselling, information and referral services. It also attempts to reduce the cultural and linguistic barriers between Aboriginal accused persons and others involved in the administration of criminal justice. The court workers assist in enhancing the awareness and appreciation within the criminal justice system of Aboriginal traditions, values, languages and socio-economic conditions, and attempt to increase the use of culturally sensitive alternative measures by providing information on sentencing alternatives;

- Fifteen community justice projects have been funded in urban, northern, First Nation and Métis communities. These projects will have responsibility for delivery of justice services to the community as well as assisting in building the capacity to manage justice services at the community level. The type of services envisioned include crime prevention, victim services, and alternative measures (diversion, mediation, family group conferencing, healing circles and sentencing circles). These processes help the community become directly involved in determining appropriate justice responses and accountability for offences occurring in or involving that community; and

- Saskatchewan Justice has undertaken, in partnership with the Aboriginal Women's Council of Saskatchewan, projects to assist Aboriginal women to respond to family violence, dating violence, and the potential violence against prostitutes.

Health

224. The Wellness and Health Promotion Branch of the Department of Health has had an Aboriginal health promotion consultant since fall 1993. The consultant has been working with an Aboriginal steering committee to develop a pilot programme for diabetes. The Policy and Planning Branch of the Department of Health has created two senior policy analyst positions for individuals who act as liaisons on all Aboriginal issues and who work to develop relationships between government and Aboriginal organizations on health and wellness matters.

225. Saskatchewan Health plays a major role in supporting employment equity initiatives in the health system. These initiatives have focused on Aboriginal issues and building a greater awareness. For example, the department assists SIMAS in consultations with a number of district health boards and with the Saskatchewan Association of Health Organizations to establish frameworks for providing employment opportunities for Aboriginal people within their respective health districts.

226. The department is currently holding discussions with the FSIN regarding participation of First Nations in health renewal with other relevant organizations throughout the province, to work toward a representative workforce in the health sector that is reflective of the health services utilized by First Nations people.

227. The Northern Health Services Branch of Saskatchewan Health is responsible for providing health services to the residents of northern Saskatchewan, the majority of whom are First Nations or Métis. The variety of community-based programmes includes primary care, public health nursing, mental health, physician's services, child dental care, home care, public health inspection, nutrition counselling, speech language pathology, health education, medical health officer consultation, and programme support services. Board formation is proceeding at a pace set by the northern communities and responsibility for services will be transferred to the boards following a comprehensive orientation in spring 1998.

228. Saskatchewan Health has been instrumental in establishing a degree programme in Saskatchewan for Environmental Health Officers focused on meeting the needs of Aboriginal people. The programme will be reviewed by the Board of Certification, Canadian Institute of Public Health Inspectors, for accreditation in 1997-1998 as one of the final steps in the process.

Immigrant settlement

229. The Department of Municipal Government delivers the Immigrant Settlement Assistance Programme which provides financial assistance to non-government immigration settlement agencies that render direct settlement services to immigrants and refugees. In 1996, a total of $86,000 was allocated to four settlement agencies. An additional $14,000 has been added to the programme's fund for 1997, and a fifth immigrant service agency will be invited to apply to the programme for assistance.

230. The Department of Municipal Government is a member of a federal-provincial working committee formed to assess the delivery of English as a Second Language (ESL) programmes in the province, and to make recommendations for change. Presentations to the committee from

organizations involved in the delivery of ESL programmes, as well as students, were completed in 1994. The committee is in the process of drafting a report which will include recommendations for change.

231. The department entered into a contract with the Immigrant Women of Saskatchewan to facilitate training sessions for workers in contact with victims of domestic violence who are not from the mainstream community, i.e., immigrants, visible minorities. The sessions provided the workers (counsellors, health-care workers, social workers, etc.) with cross-cultural awareness and understanding of the needs of immigrants and visible minorities.

232. In March 1997, the department entered into a contract with the Saskatchewan Association of Immigrant Settlement and Integration Agencies (SAISIA) to produce a brochure designed to provide basic information regarding immigrant settlement services in Saskatchewan to people overseas making choices on where to settle in Canada, as well as information on settlement services available in Saskatchewan.

233. The Western Canada Association of Immigrant Service Agencies (WCAISA) meets annually to share information among its 33 immigrant service agency members in western Canada. The four western provinces take turns each year hosting the conference. Traditionally, the host province bears the administrative expenses of the conference. Saskatchewan hosted the 1996 conference held at Saskatoon in June. The department contributed $3,000 towards the event. "Managing a New Era" was the conference's 1996 theme. Sessions included a new vision for settlement renewal and new structures, roles and partnerships for positive community development, as well as strategies for immigration and change.

Labour

234. Saskatchewan Labour recently completed consultations and drafted the Occupational Health and Safety Regulations, 1996, which came into force on 4 December 1997. The Occupational Health and Safety Act, 1993, which came into force on 30 October 1993, prohibits harassment in the workplace. Race is one of the criteria identified. Section 2 (1) (*l*) of the Act defines "harassment" as follows:

> "Harassment" means any objectionable conduct, comment or display by a person that:
>
> (i) is directed at a worker;
>
> (ii) is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or height, age, nationality, ancestry or place of origin; and
>
> (iii) constitutes a threat to the health or safety of the worker.

Section 36 of the regulations requires the employer, in consultation with the occupational health committee, to develop a written policy to prevent harassment.

Agriculture

235. Saskatchewan Agriculture and Food has an employment equity policy in effect. The policy covers the hiring of designated groups, including Aboriginal peoples and visible minorities. To date, approximately one-quarter of department employees have attended either anti-racism/discrimination or anti-sexual harassment training. Internal resources have been dedicated to providing this training in-house.

236. The department has an Aboriginal Policy Action Plan in place to address the needs and opportunities faced by Aboriginal clients and staff. This policy is currently undergoing revisions to ensure that it continues to address critical needs areas.

237. The department manages a Farm Stress Line which provides counselling and assistance to farmers and rural residents. From time to time the line has counselled Aboriginal clients who have contacted it for assistance. In the future, the line will be looking to gain a better understanding of Aboriginal peoples and their needs in relation to agricultural issues.

Economic development

238. Saskatchewan Economic and Cooperative Development has created a position of senior coordinator, for Aboriginal economic development, to act as a liaison between the Aboriginal community and the department. Part of the mandate of the position is to manage the department's efforts to support Aboriginal economic development activities. Future development initiatives likely to create significant opportunity for Aboriginal people include Aboriginal ecotourism, agriculture, forestry and mining.

239. With the recent announcement of the federal Procurement Strategy for Aboriginal Business, Saskatchewan Economic and Cooperative Development has responded by initiating a provincial Aboriginal business directory with an initial focus on businesses in the construction, manufacturing, professional services and tourism sectors. With federal government access to the directory, it is expected that Saskatchewan's Aboriginal people will be better able to capture a larger share of federal procurement opportunities. The directory is particularly useful for businesses interested in joint ventures/partnerships with Aboriginal businesses for the purposes of bidding on contracts.

240. The Office of Northern Affairs provides a range of financial and programme services to support new development and expansion of small- and medium-sized northern businesses and industries and to establish and maintain community-based Regional Economic Development Organizations (CREDOs) and increase access of northern businesses to marketing, promotion, research and development, and other resources. It also subsidizes commercial fish transportation in the north. Eligible applicants include northern residents, businesses and community organizations, many of which are Aboriginal.

Highways

241. The Department of Highways and Transportation continues to place an emphasis on the anti-sexual discrimination and anti-racial discrimination workshops for all employees. Over time, more and more employees are becoming sensitized to the issues of racism and sexism both within the workplace and in the community. The department will be making financial contributions to the Employment Equity Conference in June 1997 and the annual seminar of the Saskatchewan Employment Equity Practitioners Association.

Article 4

242. In 1994, in *Saskatchewan Human Rights Commission v. Eugene Bell*, the Saskatchewan Court of Appeal granted the Commission a permanent injunction to stop the sale of racist stickers. The stickers caricatured a Black person, a Sikh and a person of Chinese ancestry and superimposed the international "not permitted" symbol (a red circle with a line through it) across their faces. The Court of Appeal agreed that the stickers violated section 14 of the Code. The Court also upheld the constitutional validity of section 14 under the Canadian Charter of Rights and Freedoms, finding that the section constituted a reasonable limit to freedom of expression that was demonstrably justified in a free and democratic society.

Article 7

Saskatchewan Human Rights Commission

243. Public education is a fundamental component of the Saskatchewan Human Rights Commission's mandate. The code requires the Commission not only to provide redress for discrimination, but to eliminate it through research and education. The Commission promotes human rights and informs the public of its activities through publications and other educational activities. A new initiative in 1997 was the establishment of a Web site. The address is: http://www.gov.sk.ca/shrc.

Education

244. The Equity in Education Forum, which includes Saskatchewan Education, the Human Rights Commission, Saskatchewan School Trustees Association, Saskatchewan Teacher's Federation and the League of Educational Administrators, Directors and Superintendents, has developed a shared policy framework entitled *Our Children, Our Community, Our Future: Equity in Education*, to be released in fall 1997. This forum has a broad mandate for the ongoing promotion, advancement and support of the adoption and implementation of comprehensive equity policy and plans throughout all education systems in Saskatchewan.

245. The Indian and Métis Education Development (IMED) programme provides funding to school divisions for innovative projects which address the needs of Indian and Métis students. Projects may emphasize such areas as culturally appropriate curricula and resources, family liaison, Indian language instruction, and extracurricular activities that support Indian and Métis

culture. In 1996, the programme received an additional $1 million in funding for a total budget of $1.1 million. In 1996-1997, 52 projects were in operation. A total of 11,653 students (approximately 50 per cent of whom are of Indian and Métis ancestry) received the benefits of this programme. Programme expansion has included an emphasis on integrated school-linked services for Indian and Métis students and their families; the development of comprehensive equity plans; and professional development opportunities for educators, administrators and trustees in such areas as cross-cultural education, counter racism and education equity. The programme also emphasizes partnerships with Indian and Métis people in the planning, implementation and evaluation of projects.

246. The Community Schools Programme was begun in the early 1980s to provide enhanced support for vulnerable children and their families in inner-city neighbourhoods. Community Schools promotes parent and community involvement in education and provides enriched programming to help students achieve success and stay in school. Indian and Métis perspectives and content are integrated into the learning programme. As well, the programme supports activities which reinforce Indian and Métis cultures and languages and fosters cross-cultural understanding. The programme was expanded and enhanced with an additional $1 million in 1996-1997 to include 26 elementary schools in 4 urban centres. Currently, development is underway on a new Northern Community Schools Programme, which will adapt the Community Schools model to meet the unique needs of northern students. Also, a new pre-kindergarten programme in Community Schools was introduced in 1996-1997. Building on the strengths of the Community Schools model, the pre-kindergarten programme will promote culturally affirming activities and emphasize language development and enhancement of self-esteem.

Post-secondary education and skills training

(a) Post-secondary education

247. Métis and First Nations education institutions provide education and training programmes and contract programmes with provincial universities and technical institutions through a variety of academic partnerships:

- The Saskatchewan Indian Federated College (SIFC) is the only fully accredited First Nations-controlled university college in North America. It has a broad mandate to preserve, protect and interpret the history, culture and artistic heritage of First Nations peoples. SIFC is affiliated with the University of Regina and operates out of three locations: Regina, Saskatoon and Prince Albert. Currently serving about 1,500 students, SIFC offers a university-access programme, arts, social work, and teacher education degree programmes;

- The Northern Teacher Education Programme focuses on improving the quality of K-12 education in the north by providing teacher education to northern Aboriginal people. Instruction in La Ronge is supplemented by about six month's study through the University of Saskatchewan and University of Regina, leading to a four-year bachelor of education degree;

- The Saskatchewan Urban Teacher Education Programme is a funded programme designed to increase the number of Métis and First Nations teachers in the K-12 system. Students (about 64) take teacher-education classes, Native Studies, Aboriginal languages, and required classes leading to a four-year bachelor of education;

- The Gabriel Dumont Institute administers university and technical training on behalf of the Métis nation;

- The Dumont Technical Institute, federated with the Saskatchewan Institute of Applied Science and Technology (SIAST), delivers technical and business education, training programmes and adult basic education to Métis people;

- The Saskatchewan Indian Institute of Technologies (SIIT) has an academic partnership with SIAST to deliver business, technical and adult basic education training to First Nations people;

- First Nations and Métis organizations have established training partnerships with provincial institutions, industry and government to coordinate training needs assessment and delivery.

248. The Saskatchewan Institute of Applied Science and Technology education equity programme was approved in 1990 and is monitored annually by the Saskatchewan Human Rights Commission. The education equity programme focuses on learner groups designated by the Commission: Aboriginal peoples, visible minorities, women, and people with disabilities. Through the education equity programme, SIAST:

- Sets goals and implements special measures that will help achieve representative admission, participation and graduation learner levels in certificate/diploma programmes;

- Identifies and seeks to remove barriers experienced by designated group members to participation in SIAST programmes; and

- Implements special measures in recruitment, admissions and support services to help designated group students access and succeed in SIAST programmes.

249. While Aboriginal students remain under-represented in many SIAST programmes, participation levels meet or exceed community population levels in most programmes at Woodland Institute, Prince Albert. Through the SIAST Education Equity Programme and partnerships with Dumont Technical Institute and the Saskatchewan Indian Institute of Technologies, progress is being made in improving access for Métis and First Nations people to business, technical, apprenticeship and adult basic education.

250. The University of Saskatchewan has established a number of programmes designed to eliminate all forms of discrimination, including discrimination on the basis of race. Several of the university's institutional objectives relate to this goal.

251. The university has an employment equity policy which requires that consideration be given to hiring candidates from four designated target groups. Two of these groups are Aboriginal peoples and visible minorities. Annual reports are prepared to document the university's progress in meeting equity goals.

252. In August 1995, the university published a report on education equity which outlines several policy initiatives. The report focuses on the recruitment, admission and retention of students from designated groups; a review of instruction, curriculum and pedagogy; monitoring and ongoing evaluation, including accountability for achieving goals; and continuing education of faculty, staff and students.

253. The University of Saskatchewan is the first university in Canada to appoint an Aboriginal caucus (a traditional talking circle) which advises the university on appropriate initiatives and reports directly to the President. Aboriginal students host a powwow on campus during Welcome Week each fall. Sweat lodges are held and a resource centre has been established which provides such services as visits from elders. The Indigenous Students Society has a lounge on campus and a seat on the student council.

254. The University of Regina has undertaken a number of initiatives aimed at ensuring that the diversity of its community is appreciated. The institution has taken a positive approach to issues and promotes celebration of cultural, ethnic, physical and religious diversity in its community. To support these initiatives the University of Regina has a number of policies in place. Examples include the following:

- University of Regina Racial Harassment Policy Statements;
- A policy regarding students with special needs;
- A students' rights and responsibilities document.

255. The University of Regina is in the process of finalizing an employment equity policy and employs an employment equity officer who is responsible for monitoring the institution's staffing practices and ensuring that appropriate consideration is given to hiring candidates from among the groups designated by the Federal Employment Equity Act: Aboriginal peoples, people with disabilities, visible minorities and women.

(b) Skills training

256. In April 1997, the province will begin implementing a new Saskatchewan Training Strategy. The strategy seeks to provide Saskatchewan citizens with opportunities to access and participate in training opportunities that will help them develop the skills they require to participate in the labour market. The new training strategy projects an increase in training

opportunities by approximately 10 per cent from 1995-1996. The focus is on keeping training programmes accessible and linked to labour market needs, while helping people who face significant barriers to training and employment to successfully participate in training programmes and access the labour market. In particular, the training strategy will promote a system-wide approach to equity and diversity, including:

- Working towards achieving representative participation levels for equity group members in training programmes and labour market services through identifying and removing cultural, gender, physical and systemic barriers and implementing special measures and programmes for groups that are currently under-represented in the training system;

- Implementing and supporting policies and undertaking awareness activities related to sexual and racial harassment; and

- Creating a flexible learning system that accommodates learners' needs.

257. Through the JobStart/Future Skills programme the province provides funding to community groups, public training institutions and industry to develop and deliver programmes that will lead to employment for people who currently face significant barriers to employment. An evaluation of the programme completed in 1996 found that more than three-quarters of JobStart/Future Skills trainees were still employed after the training. In 1995-1996, approximately 28 per cent of JobStart/Future Skills participants were Aboriginal people. In 1997, the JobStart/Future Skills programme will be expanded under the new Saskatchewan Training Strategy, helping to fund about 2,700 training opportunities annually. Increasing participation levels of Métis and First Nations people facing barriers to employment will continue to be a priority of the programme.

258. Saskatchewan is involved in a number of pilot projects (running through to March 1998) under the Canada/Saskatchewan Strategic Initiatives Agreement to test new approaches to providing career services and labour market information and combining work and study. Under the Career Services Strategic Initiative, a partnership involving First Nations and Métis organizations, K-12 and post-secondary education institutions are involved in a pilot project to improve learner and public access to career and labour market services through 30 sites in northern Saskatchewan. A First Nations client-tracking system and a Métis employment strategy are pilot projects being developed under the Labour Market Information Strategic Initiative.

259. A number of work-study pilot projects involve Métis and First Nation organizations. Projects include an Aboriginal Health Careers Access project which will provide Grade 12 and medical terminology training to First Nations and Métis people currently receiving social assistance, with a focus on preparation for jobs in Saskatchewan health districts or pursuing further health sciences training. Another project provides culturally relevant materials and on-site day-care and counselling services as part of a holistic training programme for First Nations and Métis people leading to employment in the hospitality industry.

MANITOBA

Article 2

260. The Department of Culture, Heritage and Citizenship has developed a Code for a Respectful Workplace and conducted staff workshops on workplace issues. This department also has seminars that address issues of racial discrimination.

261. All civil servants of the provincial government have and are encouraged to participate in staff development and training opportunities that have included such programmes as: Valuing Diversity; Respectful Workplace; Multicultural Communication; Cross-Cultural Awareness; Anti-racism staff awareness events; Human Rights, Hate on the Internet; Cultural Values, Beliefs and Traditions of Newcomers; Ethnocultural Issues in Dispute Resolution; Native Awareness; and Business Practices and Cultural Approaches Around the World.

262. Within the Department of Culture, Heritage and Citizenship, several projects dealing with staff training, cross-cultural awareness, anti-racism and culture-specific training, have been implemented. These include the following:

- Workshops have been conducted for staff on hate on the Internet in the workplace;
- A Code for a Respectful Workplace has been developed and implemented in the department;
- Staff participated in workshops on cultural values, beliefs and traditions from Eritrea, Ethiopia, Somalia, Central America, the Philippines, East Inoka, Viet Nam, Portugal and Poland;
- In collaboration with other government departments, anti-racism training has been implemented and has the support of all departmental affirmative-action coordinators in promoting this training opportunity as a way to make the workplace less hostile for designated groups;
- Awareness of the government's affirmative action policy has been raised through lunchtime workshops for staff, and by producing a departmental newsletter distributed to all departmental affirmative action coordinators; and
- With the assistance of the Aboriginal community, the process of examining and revising the labelling and documentation of archival material that may use offensive historical terminology has been undertaken.

263. The Department of Culture, Heritage and Citizenship has initiated staff awareness activities in recognition of March 21, the International Day for the Elimination of Racial Discrimination.

264. Other initiatives of the Department of Culture, Heritage and Citizenship include having the staff participate in a Holocaust remembrance project with B'nai Brith.

265. The Corrections and Probation Services branches of the Manitoba Department of Justice have conducted a series of staff workshops and seminars to foster greater cultural awareness and to address issues relating to racial discrimination. This training is mandatory for all current staff of these branches, as well as for new recruits.

266. The Corrections Branch has diversified the cultural activities and services available at provincial correctional facilities. Aboriginal ceremonies, such as sweats and powwows, have been held at facilities. As an alternative to chaplains, elders from Aboriginal communities now attend at institutions and are available to counsel inmates. Aboriginal cultural and religious awareness ceremonies are available for offenders under Community Corrections supervision.

267. The Community Corrections Branch (Probation Services) of the Manitoba Department of Justice and the Department of Culture, Heritage and Citizenship has developed a new programme to address domestic violence from a multicultural perspective. While the previous domestic violence programme had input from various communities, it was developed and delivered to all communities by representatives from within the department. A multicultural domestic violence programme addresses the special ethnic, linguistic and cultural needs of domestic violence offenders by providing interpreters who have received training in domestic violence to provide programme information in the offender's native language. Enabling communities to meet their own specific needs has resulted in a more culturally aware delivery of programmes to address domestic violence.

268. As of March 1998, approximately 6.82 per cent of the Manitoba Civil Service was comprised of Aboriginal employees. The long-range goal is to attain 10 per cent Aboriginal representation. As part of its commitment to employment equity, the Civil Service Commission undertook to train and develop approximately 200 Aboriginal employees in recruitment and selection, (job) classification, career planning and "pathing", and training for trainers.

269. The Manitoba Civil Service Commission has also initiated new programmes such as the Aboriginal Management Development Programme and the Aboriginal Public Administration Programme. Both programmes will provide enhanced opportunities for Aboriginal people to work in government.

270. The Manitoba Civil Service Commission offers ongoing education and training on equity and in managing diversity in the workplace. Some of the course offerings are "Walk a Mile in My Moccasins" and "Interviewing Aboriginal People and Undoing Racism".

271. The Manitoba Civil Service Commission continues to build the Aboriginal support system. The Aboriginal Advisory Council was established in 1990 and is comprised of Aboriginal government employees representing all regions of Manitoba. It acts as an advisory body and makes recommendations in a variety of areas, including how to improve Aboriginal representation in government and how to eliminate systemic barriers to Aboriginal participation.

272. The Aboriginal Advisory Council has facilitated Aboriginal Awareness workshops and made presentations to government departments and agencies on Aboriginal issues.

273. The Human Rights Code (Manitoba) prohibits discrimination on the basis of ancestry, race, colour, nationality, ethnic or national origin, and other grounds. It also protects persons from harassment based on all group factors in those activities to which the code applies (principally employment, housing and public services).

274. In 1995, there were 42 complaints (25 per cent) made on the basis of race and colour, and 13 complaints (8 per cent) made on the basis of nationality or ethnic or national origin, for a total of 25 complaints (or 33 per cent of total complaints filed). In 1996, 33 complaints (15 per cent) were made on the basis of race and colour, 4 complaints (2 per cent) were made on the basis of nationality or ethnic or national origin, for a total of 37 complaints (17 per cent of total complaints filed). In 1997, there were 33 complaints (13 per cent) made on the basis of race and colour and 8 complaints (3 per cent) made on the basis of nationality or ethnic or national origin, for a total of 41 complaints (16 per cent of total complaints filed). The majority of complaints continue to be in the area of employment.

275. The Manitoba Human Rights Commission in 1997 initiated a pre-complaint programme in order to deal with possible complaints in an expeditious manner to bring resolution early on in the process. In 1997, six complaints based on race and colour and one complaint on nationality, ethnic or national origin were dealt with and resolved.

276. Activities and projects of the Manitoba Human Rights Commission that have been ongoing since April 1995, include the following:

- Training is provided for commission staff and commissioners to increase understanding of human rights issues;

- Each year, the Commission is joined by the Winnipeg Press Club and the Community Legal Education Association in presenting awards for excellence in reporting human rights issues;

- The Commission has a number of educational videos addressing various issues dealing with the protective grounds set out in the Human Rights Code, which are available for public loan; and

- One focus project that was undertaken and completed dealt with advancing the equality of opportunity in employment of persons with disabilities. A publication entitled *Accommodating Equality: Reasonable Accommodation Guidelines* was published.

277. The Manitoba Human Rights Commission was host of the 1995 Canadian Association of Statutory Human Rights Agencies (CASHRA) Annual Conference. The Commission conducted a number of workshops and presentations that examined hatred in Canada and the role of statutory human rights agencies in responding to it.

278. The following are additional initiatives undertaken by the Manitoba Human Rights Commission since 1995:

- Establishing a bilingual Web site to supplement the traditional distribution of publications and information for public education;

- Developing a newsletter entitled *Human Rights for Manitoba*. This newsletter is being distributed on a quarterly basis to 1,500 firms, organizations and individuals throughout Manitoba;

- Participating in an Aboriginal Community Rights Advocates Training Programme in partnership with the Canadian Human Rights Commission, the Manitoba Association for Rights and Liberties, and Aboriginal Legal Services of Winnipeg. In January 1998, four interns began receiving on-the-job and theoretical training as they rotated throughout the partnership agencies;

- Developing a case management database enabling the Commission to target specific groups in a risk assessment process to maximize public education resources;

- Developing a human rights advocacy course to assist individuals working in community groups where they are likely to be affected by potential human rights issues;

- Collaborating with the Canadian Human Rights Commission and community groups in producing an anti-hate poster and game.

279. The Manitoba Human Rights Commission will be implementing training workshops for employers on topics including eradicating bias and discrimination in the workplace.

280. The Winnipeg Safe City Committee of the City of Winnipeg, with the participation of the Winnipeg Police Hate Crimes Unit, has produced and distributed two pamphlets, "Stopping Hate-Motivated Violence" and "Homophobia and Homophobic Violence", as part of an information series on hate-motivated violence; they are still in circulation.

Article 4

281. The City of Winnipeg Police Service has a hate-crimes unit. A number of investigations have been undertaken in relation to hate propaganda and have resulted in some charges being laid.

282. The Winnipeg Police Service has also undertaken other initiatives. For example:

- As part of the police training, all new recruits are subject to half-day training regarding the various aspects of hate crimes;

- Members from the Winnipeg Police hate crimes unit and/or community relations lecture on hate crimes at various high-school and university levels; and

- Members of the Winnipeg Police hate crimes unit have worked together with members of B'nai Brith and attended various conferences dealing with hate crimes.

Article 5

283. Legal Aid of Manitoba has expanded its Northern Paralegal Aboriginal Project by having the Aboriginal paralegals as a permanent part of its programmes in Dauphin, The Pas and Thompson. The programme aims to increase access to the justice system for Aboriginal people who reside in four remote northern communities.

284. Legal Aid of Manitoba has established the Aboriginal Centre Law Office in Winnipeg. This office consists of two lawyers, two paralegals and a secretary. All staff (except one lawyer) are Aboriginal. The mandate of this office is to work together with (the Aboriginal justice service) Ganootamaage in seeking alternatives to the traditional court process and to respond to legal issues unique to Aboriginals in the urban context. This office will take on cases relating to Aboriginal rights as well as assist individuals who have problems relating to social attitudes to this minority group.

Article 7

285. The Manitoba Department of Education and Training has taken curriculum initiatives for kindergarten to Senior 4 schools which include a focus on the integration of multicultural/anti-racism instructional strategies, as well as gender fairness, Aboriginal perspectives, and appropriate age portrayals. Ensuring that these elements are reflected in curricula for all subject areas helps to promote an inclusive education system in the province.

286. New curricula have been developed from a collaborative interjurisdictional project under the western Canadian and pan-Canadian protocols. The general agreement about the importance of curricula is that they address the diversity of Canadian and world communities, challenge discrimination, and support a fair and equitable society. Currently, Manitoba Education and Training is a partner in a Western Canadian Protocol project to develop a common curriculum framework for social studies. The composition of the project team, which includes Aboriginal and Francophone representatives from each of the western provinces and northern territories, ensures that this framework also will play a key role in strengthening students' knowledge of the issues related to discrimination, and in developing positive attitudes, skills and behaviours to challenge it.

287. Manitoba Education and Training has identified Aboriginal education and training as a priority and is taking steps to ensure that its policy of inclusion is being applied to Aboriginal education and training in all areas of the department, which includes kindergarten to Senior 4,

training and post-secondary education. The goals of the Aboriginal Education and Training Strategy are: to strengthen partnerships with the Aboriginal community and other stakeholders; to increase the graduation role of Aboriginal students; and to increase the labour market participation of Aboriginal people. Other initiatives are:

- An Aboriginal Education Curriculum Steering Committee advises and assists the Department of Education and Training in the development and integration of Aboriginal perspectives into the curriculum;

- Staff development activities for the Programme Implementation Branch have focused on increasing the awareness and knowledge of all staff with regard to Aboriginal education and effective strategies for increasing student success; and

- The department co-sponsors, with the University of Winnipeg, University of Manitoba, Red River Community College, and the Winnipeg School Division No. 1, a Summer Institute on Aboriginal Education.

288. Within Manitoba Education and Training's policy and support documents, an emphasis on gender equality, anti-racist/multiculturalism, Aboriginal perspectives, inclusivity and equity are stressed.

289. Support documents on Native Studies provide Aboriginal students and others an opportunity to learn about Aboriginal peoples and culture.

290. Employment and Training Services Branch (ETS) provides a large number of programmes and services to meet the diverse needs of its clients, such as:

- Services to individuals with foreign credentials who have had difficulty achieving employment in their profession or trade in Manitoba;

- Several programmes designed to assist minority/immigrant groups, women and Aboriginal people to achieve sustainable employment;

- Programme elements that include language training, academic upgrading, technical skills upgrading, workplace experience, on-the-job training, counselling services and assistance with direct placement with specific employers.

291. Manitoba Education and Training Services also uses the following programmes to help educate on multicultural and anti-racism initiatives:

- Through collaboration with other western Canadian provinces, development of common curriculum frameworks for Aboriginal Language and Culture programming and for Heritage/International Languages;

- The formation of partnerships with anti-racist community-based groups. Currently, the department collaborates with the Manitoba Chapter of the United Nations Association, the Manitoba Association for Multicultural Education, and the Coalition for Human Equality;

- The Multicultural Education Consultant of the Programme Implementation Branch works within the department and in the field to support the implementation of multicultural and anti-racism education initiatives.

ONTARIO

292. Pursuant to article 9 of the Convention, this report sets out the legislative, judicial and administrative policies, programmes and activities of the government of Ontario conducted between June 1993 and May 1997 in accordance with the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination. This information updates the material found in Ontario's contribution to Canada's twelfth report.

General

293. Ontario is committed to strong enforcement of the Human Rights Code, which provides every person the right to equal treatment with respect to goods, services and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed and other grounds. The Ontario Human Rights Commission is the agency under the authority of the Human Rights Code to enforce the right to freedom from racial discrimination.

294. In 1995, the government of Ontario repealed the Employment Equity Act, which was based on discriminatory job quotas, and brought in the Equal Opportunity Plan. The Plan is based on the Human Rights Code's prohibition against discrimination. The Plan embodies four basic principles:

- All individuals should be treated with dignity and respect;

- Action should be taken to eliminate discrimination and harassment;

- Barriers that prevent equal opportunity should be identified and removed; and

- Employment decisions should be made on the basis of individual merit and ability.

295. The Equal Opportunity Plan includes a range of components, for example, measures to improve access to professions and trades for those trained and educated outside Canada. This includes working with professional regulatory bodies to develop models to assess and recognize foreign qualifications.

296. In 1996, the Commission launched its Web site and revised and updated its interpretative Guidelines on Special Programmes (to reflect the government's approach to equal opportunity).

297. All government ministries and agencies must take steps to comply with the Ontario Public Service Workplace Discrimination and Harassment Prevention Policy.

Article 2

Prohibition against discrimination

298. In 1993-1994, the Ontario Human Rights Commission received a total of 2,286 complaints. Discrimination based on race and related grounds (colour, ancestry, place of origin and ethnic origin) accounted for 24 per cent of these complaints. For subsequent years, the percentage of race-based complaints were as follows: 1994-1995: 26 per cent of 2,452 complaints; 1995-1996: 23 per cent of 2,560 complaints; and 1996-1997: 25 per cent of 1,916 complaints.

299. The Commission released two new policies in 1996: one on racial slurs and jokes, and one on language - recognizing that a person's language or the way they speak may be closely related to prohibited grounds of discrimination, such as race, colour, ancestry, place of origin and ethnic origin.

300. The Commission took steps internally, including issuing guidelines to staff on dealing with race cases from intake to board hearing; developing research tools to assist human rights officers investigating complaints based on race; and providing staff training on how to deal with race-based complaints.

301. The Board of Inquiry continues to adjudicate complaints of discrimination referred to it by the commission. Two examples are provided here: (a) in the case of *Angeconeb* (1993), the board found that people of Native ancestry were routinely assigned to rooms that were substandard at a particular inn and awarded the complainant $2,500 in damages; (b) in the case of *Naraine* (1997), the board held that name-calling and graffiti should be recognized as inherently destructive to racial equality in the workplace.

302. The Ministry of the Attorney-General developed and implemented a Youth Peer Justice Education Project, a programme training racial minority high-school students to conduct peer education on youth and justice-related issues.

303. The Commission on Systemic Racism in the Ontario Criminal Justice System released its final report in 1996. Ministries took actions to respond to the reports' recommendations. For example:

- Through a joint Ministry of the Solicitor General and Ministry of Correctional Services initiative, officials working with or for the Ontario Provincial Police received training on addressing discrimination;

- The Office of the Anti-Racism Coordinator was established in the Correctional Services Division and in the Ontario Provincial Police to develop policies and review programmes and services to prevent and eliminate racial discrimination;

- The Ontario Provincial Police established an Anti-Racism Advisory Team in 1997 to eliminate racial discrimination in all areas of police operation;

- The Ministry of Citizenship, Culture and Recreation worked with communities on innovative youth leadership programmes, public education, coalition-building, reducing hate propaganda and activities, and community economic development. Funding was provided to over 200 community organizations over a two-year period.

304. The Ministry of the Attorney-General, through the Ontario Legal Aid Plan, began funding the African-Canadian Legal Clinic. The clinic litigates test cases aimed at eliminating race discrimination from laws and legal decision-making.

305. The Ministry of Citizenship, Culture and Recreation continued to exercise leadership in helping Ontario residents of all races and cultures participate in the social, economic and cultural life of the province by, for example:

- Promoting access to professions and trades for individuals educated and trained outside of Ontario;

- Supporting groups to preserve their heritage and supporting arts and cultural organizations and libraries, including funding specifically for First Nations; and

- Funding diverse sports and recreation organizations and providing them with guidelines and tools to prevent and eliminate discrimination and harassment.

306. The Ministry of Community and Social Services' Child and Family Services Advocacy Office hired advocates to work with people from diverse cultures, conducted an extensive needs assessment of cultural groups across Ontario, and developed guidelines to monitor and address cultural insensitivity and discrimination. The Ministry also implemented diversity training for staff involved in the delivery of social assistance and secure custody/secure detention facilities.

307. A joint committee of the Ministry of Health and the Ontario Hospital Association established a task force to implement organizational change in the hospital sector to prevent and eliminate discrimination.

308. In March 1997, the ministries of the Solicitor General and Correctional Services signed an agreement with the bargaining unit to implement a systemic-change programme to eliminate workplace discrimination and harassment in the Correctional Services Division. The recruitment processes for both correctional officers and police officers identify sensitivity to diversity as a core competency in screening applicants. Anti-discrimination and harassment training is a standard component of basic training for police officers and correctional staff. New police recruits are also trained to deal effectively with hate crime.

309. The Chief Coroner's Office has trained the most senior coroners in the process of identifying and addressing issues involving systemic discrimination.

310. The Ontario Women's Directorate undertook a variety of initiatives to prevent and combat discrimination, including:

- Coordinating the Province of Ontario Violence Against Women Prevention Initiatives, which included expanding counselling services for assaulted women from racial minority communities and providing interpreter services to assaulted non-English and non-French-speaking women;

- Working in partnership with the African Heritage Educators' Network to develop a publication examining the barriers facing young African-Canadian women and demonstrating how mentoring can help alleviate them; and

- Introducing a new Priority Project Funding Programme (1996) to provide grants to community organizations for innovative projects that address community safety, violence prevention and economic self-sufficiency. A number of groups have received funding under the grants programme to address the needs of women from diverse ethnoracial communities.

311. Ministries and government agencies continued to support the corporate principles outlined in the Aboriginal Policy Framework (1996). These include Ontario's constitutional and legal obligations in respect of Aboriginal people, recognition of the special relationship with Aboriginal people, cost-effective service delivery, openness and accountability, and promotion of Aboriginal self-reliance through economic and community development.

312. The government is completing negotiations on 16 Aboriginal land claims under discussion, while implementing 8 final settlement agreements in principle already reached on other claims (the most progress on land claims in a decade).

313. The $49 million Aboriginal Healing and Wellness Strategy was established to provide an integrated and holistic response to social and health issues in Aboriginal communities, including family violence, ill health and access to health services. The strategy was developed after intensive consultation with all major Aboriginal and First Nations organizations in Ontario, and is being implemented jointly by four ministries (Health, Community and Social Services, the Ontario Women's Directorate, and the Ontario Native Affairs Secretariat) and 11 Aboriginal organizations representing people living both on- and off-reserve. The Strategy was cited as a model for other jurisdictions in the Report of the Royal Commission on Aboriginal Peoples.

314. The Ministry of the Attorney-General developed programmes to improve access to the justice system by Aboriginal people, and to provide alternatives within the current system to promote Aboriginal community control over justice issues.

315. In accordance with the Ontario First Nations Policing Agreement, the Ministry of the Solicitor General maintained eight agreements authorizing expanded First Nation self-responsibility in policing. Seven agreements are administered by First Nations communities. Two pre-charge diversion programmes in First Nations communities with policy support are helping to keep Aboriginal people out of the formal justice system for minor offences.

316. The Ministry of Economic Development and Trade created the position of Coordinator, Aboriginal Affairs (1997) to promote Aboriginal economic development.

317. The Ministry of Health's AIDS Bureau currently provides $1 million in funding to address the incidence of HIV/AIDS in Aboriginal communities. An HIV/AIDS strategy for Aboriginal people off-reserve is in its fourth year of implementation.

318. The Ministry of Community and Social Services' policy framework for restructuring social services included directives pertaining to the inclusion of Aboriginal communities in local planning.

319. The Ministry of Citizenship, Culture and Recreation worked with Aboriginal provincial and territorial organizations to implement Aboriginal management and delivery of the Ontario Aboriginal Economic Development Programme.

Article 4

Hate activities

320. The Ontario Human Rights Commission passed a resolution to reaffirm its efforts to eliminate hate-motivated activities through public education and community partnerships. The Chief Commissioner met with human rights groups to discuss both judicial and non-judicial solutions to hate crimes and also met with police services to share information and strategies to deal with incidents of racially-motivated hate activities among students. In 1997, the Chief Commissioner, in his capacity as president of the Canadian Association of Statutory Human Rights Agencies, sent a letter to the Prime Minister and provincial premiers in support of the Canadian Human Rights Commission's efforts to use human rights laws to shut down hate on the Internet.

321. During the reporting period, the Ministry of the Attorney-General undertook a number of initiatives to address hate-motivated crime, including issuing a Crown directive for sentencing submissions regarding hate-motivated offences and designating specialist Crown attorneys in Toronto and Ottawa for hate offences.

322. The ministry, with the Ontario Provincial Police, took part in public outreach programmes to eliminate racial discrimination and hate propaganda. A grant was established to provide funding to multicultural community groups helping victims.

Article 7

Education

323. As of May 1995, Ontario school boards are required to develop policies and five-year implementation plans to promote equal opportunity. In addition, the Violence-Free Schools Policy requires that school boards' violence prevention policies address equal opportunity issues, including intimidation and discrimination based on ethnocultural, religious, or linguistic differences.

324. In 1995, the Ontario Human Rights Commission published a new educational tool, entitled *Teaching Human Rights in Ontario*, to assist secondary school teachers in introducing students to human rights.

QUEBEC

325. This report describes the action taken by the government of Quebec in application of the Convention. It completes, to 31 March 1997, the information found in the previous reports.

General

326. The general legal framework prohibiting racial discrimination in Quebec is laid down in the Quebec Charter of Human Rights and Freedoms R.S.Q., c. C-12. The details have been presented in earlier reports (see in particular the fourth, fifth, sixth, seventh and twelfth reports).

327. Legal protection of human rights and freedoms is also based on provisions of the Civil Code, which constitutes the jus commune of Quebec. The new Civil Code of Quebec, which came into force on 1 January 1994, governs persons, relations between persons, and property "in harmony with the Charter of Human Rights and Freedoms".

328. At the institutional level, on 29 November 1995, the Act respecting the *Commission des droits de la personne et des droits de la jeunesse* (S.Q. 1995, c. 27) came into force.

329. This act creates a new body, the *Commission des droits de la personne et des droits de la jeunesse* (Commission for human rights and youth rights). This body has a dual mandate: to promote and uphold, by every appropriate means, the principles of the Charter of Human Rights and Freedoms, on the one hand, and the rights of children and adolescents under the Youth Protection Act,[3] on the other hand. The quasi-constitutional nature, normative content and means of intervention specific to the Charter[4] remain, however, unchanged.

330. Administratively, the Commission reports to the Minister of Relations with Citizens and Immigration (*Relations avec les citoyens et de l'immigration*). The Minister of Justice continues to be responsible for the application of the substantive provisions of the Charter.[5]

331. In the area of immigration, the following data update those supplied in paragraph 188 of the twelfth report. For the years 1993 and 1994 respectively, Quebec received 44,927 and 27,102 immigrants, respectively, who came from the following main geographical regions:

Table 2

Quebec immigrants by region of origin (in percentage)

Regions of origin	1993	1994
Africa	11	12
Americas	20	18
Asia	49	45
Europe	19	24
Oceania	0.2	0.2
Other countries		

332. The plurality of Quebec society is expressed, notably, by its ethnic and cultural diversity. Immigration contributes to the demographic development of Quebec and constitutes a resource for Quebec society. According to the latest census data from Statistics Canada (1991), 16 per cent of the population of Quebec reported origins other than French, British, Aboriginal or Canadian. This diversification exists within a population that is strongly homogeneous, as 75 per cent of the Quebec population reported being of French origin, and is most concentrated in the metropolitan Montreal area, where 30 per cent of the census respondents reported being of "other" origin. This represents 88 per cent of the total immigrant population of Quebec.

333. The communities created by earlier waves of immigration remain the largest. These are the Italian (more than 225,000), Jewish (nearly 100,000), German (90,000), Greek (56,000), Portuguese and Polish communities (more than 40,000). Some communities doubled their numbers between 1986 and 1991: Lebanese (38,000), Haitian (41,000) and Latin American (36,000). The Chinese, South Asian and Western Asian communities grew by more than 50 per cent. Smaller communities also grew significantly: English-speaking West Indian, Filipino and Korean.

334. In general, the Quebec population remains open to immigration and inter-ethnic cohabitation is fairly harmonious. However, there are various indications that the representation and participation of members of the cultural communities in Quebec society could be increased and their contributions better recognized. The various facets of exclusion may feed differentialism, particularities and the inability to see themselves represented in community institutions. Conversely, those who participate fully in the socio-economic life of the community develop a sense of inclusion and involvement. It is necessary to preserve the democratic principle of equality and seek to promote the participation and full and complete integration of all members of society.

335. Mainly through the adoption and implementation of a series of measures such as programmes, studies and interventions, aimed essentially at intercultural rapprochement and integration of immigrants, the Department of Relations with Citizens and Immigration (*Ministère des Relations avec les citoyens et de l'Immigration*) is combating the prejudices that are frequently at the root of various forms of racial discrimination. The department is also looking at the phenomena of discrimination affecting the younger generations of immigrant families.

Article 2

336. The Department of Relations with Citizens and Immigration is responsible for promoting understanding and respect for rights and freedoms, and furthering equality between persons and their participation in community life and the development of society. It seeks to facilitate dialogue and exchange between Quebecers of all origins, in order to promote openness to pluralism and intercultural rapprochement. It also plays a role in the integration of immigrants into Quebec society and supports, to promote the development of harmonious relations between communities, initiatives from both immigrants themselves and the receiving society.

337. Objectives: Based on the *Énoncé de politique en matière d'immigration et d'intégration* (Immigration and integration policy statement) which was published in 1990, and the related four-year action plan (see paragraphs 185-186 of the twelfth report), the department has pursued, since 1993, the following objectives in the area of intercultural relations:

- Supporting adaptation of public, parapublic and private institutions to the pluralist reality;

- Developing knowledge and understanding of Quebec society among immigrants and Quebecers from the cultural communities;

- Having the entire population share recognition of the pluralist reality;

- Supporting rapprochement between immigrants and the Francophone majority and resolving intercommunity tensions.

338. Programmes: The intervention of community organizations with immigrants is largely supported by the implementation of various programmes aimed at promoting integration, adaptation and intercultural rapprochement:

- The *Programme d'accueil et d'établissement des immigrants* (PAEI) (Immigrant reception and settlement programme) which allows community organizations to offer reception and assistance services to newcomers and help them get settled;

- The *Programme de rapprochement interculturel* (PRI) (Intercultural rapprochement programme) which provides financial assistance to community organizations carrying out projects, services or activities that promote the development of harmonious relations between persons of all origins;

- The *Programme d'aide aux organisations* (PAO) (Assistance to organizations programme) which provides financial support to organizations carrying out intervention, training and information projects that contribute to greater adaptation to the pluralist reality of Quebec; and

- The *Programme de soutien à l'insertion en emploi* (PSIE) (Job entry support programme) which allows community organizations to offer job entry services adapted to the needs of new immigrants.

339. Institutional support: In this area, and with financial assistance from the *Fonds d'initiative* fund set up in 1991, the department maintained its support to government departments and agencies by supporting projects to promote attitudes favourable to immigration and ethnic, racial and cultural diversity (see paragraph 186 of the twelfth report). It also continued to support and coordinate the action of the network of departmental respondents established in 1989.

340. Documents and studies: To develop recognition of the pluralist reality among the general public, the department produced profiles of immigration in the Outaouais, Quebec, Mauricie-Bois-Francs and Estrie regions, studies on inter-ethnic cohabitation and neighbourhood life and on the location of immigrant, ethnocultural and linguistic populations in the metropolitan Montreal area, and monographs on certain communities. Studies designed to provide the department with information on managing cultural and religious diversity were also undertaken.

341. In addition, and to get a better idea of the conditions conducive to the rapprochement of cultural communities and of immigrants with the receiving society, a number of studies were conducted on issues relating to the development of harmonious intercultural relations: status of racial and intercultural relations; mechanisms of intercultural cohabitation and dynamics of social relationships; bases and elements of how members of cultural communities go about identifying with Quebec society.

342. The department also launched two studies more directly concerned with the effects of discrimination in Quebec society: a study by the ethnic studies centre of the Université de Montreal entitled *Le racisme au Québec: éléments d'un diagnostic* (March 1996) (Racism in Quebec: elements of a diagnosis); and another by Saba Communications, published as *L'emploi des jeunes: un enjeu de société* (Youth employment: a social issue).

343. Cooperation and partnership: the department worked with the federal government (Canadian Heritage) and the City of Montreal on establishing the Year of *Montréal en harmonie* (Montreal in harmony). It was also involved with organizations of Quebecers of Haitian origin to promote the integration of youth from that community. In cooperation with representatives from the Black community, the City of Montreal and the Montreal Urban Community, the department also provided technical and financial support for the Consultation and Coordination Committee of the English-speaking Black community, whose aim is to promote better socio-economic integration of this community and its full participation in Quebec society.

344. In cooperation with the Chamber of Commerce of Metropolitan Montreal, a programme of business internships was carried out for members of cultural communities experiencing major difficulties entering the labour market. In the same vein, the department developed and implemented a pilot project to help strengthen community structures in the English-speaking Black community, aimed at alleviating the difficult socio-economic situation or discrimination to which its members may be subject. As well, a grant was made to the Mathieu da Costa Business Development Corporation to support the start-up of its regular activities and bolster efforts at empowerment by Black communities in Quebec.

345. Finally, in light of the issues raised by cultural and religious pluralism, some departments (Education, Employment, Health and Social Services, Justice, Public Security, Relations with Citizens and Immigration) and the Status of Women Secretariat (*Secrétariat à la condition féminine*) undertook work aimed at clarifying a number of areas of concern, on the basis of their experience, and identifying joint avenues of approach for managing cultural and religious diversity.

346. The Department of Education (*Ministère de l'Éducation*) is currently working on developing a policy on integration and cross-cultural education which sets out the directions and specific paths of action for elementary and secondary education, while taking into account possible spinoffs for college education.

347. Following the adoption, in June 1991, of an action plan for correctional clients from the cultural communities, the Department of Public Security (*Ministère de la Sécurité publique*) instituted various measures regarding the inmate population under its responsibility. In February 1993, a study was conducted on the needs and difficulties of correctional workers and of clients from the cultural communities. This study led to the establishment, in 1994, of an awareness programme, to be completed in 1997. However, given the financial resources available, the department had to extend the programme implementation period and it plans to complete this training sometime in 1998. Correctional workers trained in 1994 are, however, continuing to lead awareness activities during thematic days.

348. With regard to Aboriginal offenders, the Department of Public Security also, in June 1993, adopted a policy statement calling for community involvement in managing programmes and services, re-entry into the community, and keeping offenders as close as possible to their community of origin.

349. With respect to the administration of justice among the Inuit and in cooperation with government partners, the Department of Public Security proposed, in July 1994, the adoption of a model adapted to Northern realities. After these proposals were tabled, discussions took place between Inuit representatives and departmental officials, and a committee was struck to produce a work plan for improving correctional infrastructures and services in Nunavik. In July 1996, the department announced a series of measures to be taken to meet the needs of Inuit communities as quickly and as adequately as possible. For example, the Kativik R.gional Government has hired two Inuit officers to work in the area of re-entry into the community. Under the guidance of probation officers, they will be able to assist in the supervision of offenders in their community. Of the seven measures announced, five have been implemented. The other two are scheduled to be implemented during 1998.

350. The *Sûreté du Québec* (Quebec police force) maintained its efforts to develop close ties with the various elements of the population: updating of the Sûreté's philosophy; a new policy on community relations; a new client service training programme in the context of the social diversity of Quebec; introduction of the concept of "neighbourhood police" which encourages closer relations with all citizens; two summer employment projects for trainees from cultural communities and Aboriginal communities (28 participants in total); organization of intercultural rapprochement activities in connection with the International Day for the Elimination of Racial Discrimination from 1994 to 1997; participation in awareness and rapprochement activities of community organizations working with cultural communities in connection with the *Semaine interculturelle nationale* (National cross-cultural week) from 1994 to 1996; and finally, pairing of *Sûreté du Québec* police officers with families from Quebec's cultural communities in January 1995.

351. In accordance with its mandate, the *Commission des droits de la personne et des droits de la jeunesse* investigated, during the period covered by this report, allegations of discrimination based on race, colour, or ethnic or national origin. For the years 1993 and 1994, a total of 233 new files were opened in this regard, or about 15 per cent of all investigation files opened by the Commission.[6] By sector of activity, these 233 files are distributed as follows:

Table 3

Discrimination files opened 1993-1994

Sector	Number of files opened
Employment	144
Accommodation	32
Access to goods and services	20
Access to transportation	15
Other	22
Total	233

352. In the employment sector, the largest number of complaints the Commission receives concern hiring, dismissal and conditions of employment. During the same period, the Commission opened 42 files concerning allegations of racial harassment or of harassment based on ethnic or national origin (about 13 per cent of all harassment files). Twenty-two of these files concerned employment, and 10 concerned accommodation.

353. The Commission brought 66 actions before the Human Rights Tribunal in 1993 and 1994. Six of these alleged either a situation of discrimination based on race, colour, or ethnic or national origin, or a situation of racial harassment. Settlements were negotiated in six actions before trial, or after the Commission proposed redress measures to the parties.

354. For the years 1995 and 1996, a total of 278 new files were opened in this regard, or about 16 per cent of all investigation files opened by the Commission.[7] By sector of activity, these files are distributed as follows:

Table 4

Investigations opened 1995-1996

Sector	Number of files opened
Employment	153
Accommodation	56
Access to goods and services	47
Access to transportation	21
Other	1
Total	278

355. The Commission brought 70 actions before the Human Rights Tribunal in 1995 and 1996. Four of these alleged either a situation of discrimination based on race, colour, or ethnic or national origin, or a situation of racial harassment. Settlements were negotiated in four actions before trial.

356. Discrimination against Aboriginal peoples is a major concern for the commission, as it is for the Committee.[8] The Commission presented in this regard, in November 1993, a brief at the public hearings of the Royal Commission on Aboriginal People. Its recommendations included acknowledgement of the historic and systemic discrimination against Aboriginal populations, which should underlie the policies and economic and other measures taken by governments to redress the situation.

357. In 1994, problems relating to the prohibition on wearing the Islamic women's head covering (*hidjab*) in some schools were brought to the commission's attention. In an issues paper entitled *Le pluralisme religieux au Québec: un défi d'éthique sociale* (Religious pluralism in Quebec: a challenge for social ethics), the Commission noted the danger of "ethnicizing" these kinds of religious conflicts and indicated that prohibiting the *hidjab* in public schools constitutes a form of discrimination based on religion in the exercise of a right guaranteed by the Charter of Human Rights and Freedoms, namely, the right to free public education.

358. Regarding the special measures in paragraph (2) of article 2 of the Convention, in 1994 the oversight committee charged by the Commission with ensuring follow-up of the recommendations in the *Rapport d'enquête sur les relations entre les corps policiers et les minorités visibles et ethniques*[9] (Investigation report on relations between police forces and visible and ethnic minorities) prepared a final report on its activities. This report notes some progress made in the training of police officers, control mechanisms for the code of ethics, and community relations, but some programmes or measures have yet to be evaluated. With regard to recruitment and hiring, while the report notes the rigour and professionalism with which the Montreal Urban Community's police force has introduced and is implementing its equal opportunity programme, it also deplores the fact that, with a lone exception, the other municipalities covered in the report have not seen fit to adopt such a programme.

Implementation of the programme is continuing and, for the period 1995-1997, the Commission was able to observe[10] that the entrance objectives set for the four target groups were, except for one institution, reasonably met. Preferential entrance and the ultimate goals of the programme are thus maintained.

359. The contractual obligation programme[11] is continuing, even though this type of measure always has room for improvement. At present, 140 businesses that do business with the government are setting up equal opportunity programmes. These businesses have met their commitments and have implemented preferential recruitment measures which, generally speaking, have corrected the under-representation of the target groups in the composition of their workforce. They have also taken corrective action regarding their human resources management system, thus eliminating rules and practices that had discriminatory effects.

360. In addition to the programmes in effect in the employment sector, two projects were carried out in the education sector. The first facilitates access by Aboriginals to law studies at Université Laval. The second aims to increase the representation of various groups among police science students: 11.25 per cent for members of ethnocultural minorities, 7.3 per cent for members of visible minorities, and 1.2 per cent for Aboriginals.

Article 4

361. Concerned by the existence of some racist organizations, the *Commission des droits de la personne et des droits de la jeunesse* analysed the relevant provisions of the Charter of Human Rights and Freedoms. The Commission first sought to circumscribe the scope of the Charter's current provisions. Thus, in a document submitted for public consideration early in 1994,[12] the scope and limits of the fundamental freedoms of expression, association, peaceful assembly and opinion guaranteed by the Charter were analysed.

362. This culminated, on Human Rights Day, 10 December 1994, in the publication of the *Déclaration sur les mouvements racistes et l'incitation à la discrimination* (Declaration on racist movements and incitement to discrimination). In this document, the Commission notes that the aims, activities and methods of racist movements are contrary to the ideals enshrined in the Charter. The exercise of fundamental freedoms must maintain a proper regard for democratic values, public order and the general well-being. The Commission therefore considers that it would betray its mandate if, on the one hand, it strove to achieve the ideal of equality and, on the other, it took up the defence of movements which, citing fundamental freedoms, attack the rights and freedoms of others.

363. The Commission was pleased to learn of the decision handed down by the Quebec Press Council following a complaint it made against a weekly newspaper.[13] As the Commission wished, the Press Council set out the rules of journalistic ethics and social responsibility that the media must follow when addressing issues likely to expose a racial or ethnic group to discrimination or violence. According to the Council, whose decisions have only moral value, the media must avoid arousing or cultivating racial prejudices through sensationalism, insinuations, exaggerations or generalizations. In the case in question, the Council felt it was dealing with a particularly deficient piece of journalism, and severely criticized the weekly and two of its journalists.

Article 5

364. According to the Education Act, every person, without distinction, who lives in Quebec is entitled to the educational services of preschool developmental and cognitive learning services and elementary and secondary school instructional services. In application of this Act, a teacher at the elementary and secondary level is required to "take the appropriate means to foster respect for human rights in his students" and "act in a just and impartial manner in his dealing with his students". To help teachers fulfil these obligations, since 1991, the Minister of Education has included acquisition of the following skill among the educational standards for teachers: "the ability to detect and combat the various forms of discrimination, including those based on sex, race, religion or a handicap", as stated in paragraph 208 of the twelfth report.

365. On 20 December 1994, the Minister of Public Security tabled in the National Assembly a bill to amend the Police Act by adding a new section on the establishment or maintenance, under an agreement, of Native police forces for these communities. In May 1997, the department of Public Security had signed 17 agreements creating police forces for 49 Aboriginal communities. This process of signing agreements will eventually enable the Aboriginal communities to take over for themselves the application of laws in the territories covered by the agreements.

366. In accordance with the action plan of the Montreal Urban Community, which was welcomed by the Department of Public Security, three measures were taken during the period:

- The Montreal Urban Community's police force developed and carried out, in collaboration with the ethnic and cultural communities, retraining and development activities for active police officers. These included training, activities in intercultural initiation and community integration, attendance at a course on multiculturalism, and activities involving COFI (the immigrant orientation and training centre). Also, staff members who wish to take university-level studies on the phenomenon of cultural diversity are reimbursed for up to 80 per cent of their course fees;

- In terms of personnel selection, interviews were adapted to bring out the openness of candidates to multi-ethnic realities, to work in a multiracial milieu and knowledge of human rights and freedoms. Moreover, promotion competitions take into account the candidates' sensitivity to multiculturalism; and

- A human rights promotional campaign was carried out in all district management committees. An administrative procedure serves as a guide to help police officers having difficulty dealing with cultural diversity. Also, internal discipline and the code of ethics curb derogatory behaviours.

367. Finally, a policy to encourage hiring of Aboriginal personnel was established in the northern sector by adding hiring criteria such as knowledge of the language.

368. With regard to the right to health, medical care and social services, amendments made in 1993 to the Act respecting health services and social services ensure application of this Act to the territory served by the Kativik Regional Council in the Inuit community. These amendments reflect the cultural, linguistic and geographical particularities of this Aboriginal nation. Also,

under a provision of the Youth Protection Act added in 1994, every person having responsibilities toward a child under this Act, and every person called upon to make decisions with respect to a child under this Act shall, in their interventions, take into account the necessity of opting for measures, in respect of the child and the child's parents, which take into consideration, among other things, the characteristics of cultural communities and the characteristics of Native communities.

369. During 1996, a number of Aboriginal communities acquired greater autonomy in providing and administering local services. These communities are: Listuguj, Gesgapegiag, Kistcisakik, Lac Simon and Pikogan.

370. Various provisions have been made for English-speaking persons. As provided in the Act respecting health services and social services, a provincial committee on the delivery of health services and social services in the English language was created. In accordance with the Act, each of the 16 regional health and social services boards has set up an advisory committee to advise the regional board on the programme of access to services in English. Moreover, the government set 2 September 1994, as the date by which a regional board was required to undertake a review of its access programme, the review being completed in December 1996. More than six institutions took part in the review of the access programme undertaken by each of the 16 regional boards.

371. The Canada-Quebec agreement on promoting access by English-speaking persons to health services and social services in English was also renewed for another five-year period, until 1999. During the period covered by this report, various activities were carried out based on the financial resources allocated to the regional boards under this agreement: production and translation of documents in English, English-language-learning activities for workers, studies, research, surveys and support for volunteer activities promoting access to services in English. Some 75 projects received funding.

372. With regard to the cultural communities, the report on the actions undertaken at the end of an initial action plan shows a number of major achievements and confirms the relevance of maintaining the stated objectives. Thus, the second plan for 1994-1997 steps up the means already put in place, adds new means and gives further accountability to the directorates of the Department of Health and Social Services (*Ministère de la santé et des services sociaux*), the regional boards and the institutions with regard to immigrant populations.

373. Examples of measures for adapting services include intensified and expanded cross-cultural training and the training programme for network managers on managing diversity in health or social services institutions. There are also the research projects on adaptation of services for youth from cultural communities and the expansion of projects involving banks of linguistic and cultural interpreters to improve the accessibility of services in all regions with a significant number of persons from the cultural communities.

374. With regard to the application of the Youth Protection Act and the Young Offenders Act, and to take into consideration the characteristics of Aboriginal communities, the Department of Health and Social Services mandated the *Commission de la santé et des services sociaux des Premières Nations du Québec et du Labrador* (Quebec and Labrador First Nations health and

social services commission) to conduct a study and make recommendations. The report of this working group, which includes representatives of the Department of Health and Social Services and the Department of Justice, should be tabled shortly.

375. In the area of self-government, the government of Quebec and the government of Canada are continuing negotiations with the Attikamek and Montagnais nations. These initially concern the communities of Manouane, Opitjian and Weymontachie. Negotiations with the Montagnais nation address two specific groups: Mamitum and Mamit Inuat, each of which has four communities. In this context, the Department of Health and Social Services has put forward proposals, now being discussed at the negotiating table, that could enable these communities to exercise more responsibilities in the area of health and social services.

376. Finally, in conjunction with the Naskapi nation, the Department of Health and Social Services is currently reviewing chapter 10 of the Northeastern Quebec Agreement, with the aim of ensuring greater involvement by this nation in the delivery and administration of health and social services.

Article 6

377. During the period covered by this report, the Human Rights Tribunal handed down four judgments on matters of discrimination based on race, colour, or ethnic or national origin.

378. In the case *Commission des droits de la personne v. Thibodeau*, the defendant had refused to sublet accommodation because the sublessors were Aboriginals, in contravention of sections 10 and 12 of the Charter of Human Rights and Freedoms. The tribunal sentenced the defendant to pay the complainants $1,000 in exemplary damages and $192.42 in compensatory damages. In the case *Commission des droits de la personne v. Restaurant Alexandre*, the complainants, who were Black, were refused entry to a discotheque, in contravention of sections 10 and 15 of the Charter. The tribunal sentenced the defendant to pay the complainants $2,000 each in moral damages. In the case *Commission des droits de la personne v. Entreprises L.D. Skelling*, the Black complainant was refused a position as a butcher. The employer claimed that hiring the complainant would have hurt his business. The tribunal found that this ground had nothing to do with the requirements of the job, and therefore contravened sections 10 and 16 of the Charter. The employer was sentenced to pay the complainant $520.54 in material damages, $2,000 in moral damages and $1,000 in exemplary damages. Finally, in the case *Commission des droits de la personne (Elzeki) v. Allard*, the defendant had repeatedly and over a period of several years made racist comments and insults to a neighbour couple. The tribunal found not only that these comments constituted harassment of the complainants (s. 10.1 of the Charter), but that they also impaired their right to the peaceful enjoyment of their property, without discrimination (ss. 6 and 10). It was also found that the complainants' right to the safeguard of their dignity, honour and reputation (s. 4) was impaired. The defendant was sentenced to pay $1,250 to each of the complainants in moral damages.

379. The Department of Public Security has put in place a system for handling complaints from incarcerated persons. It was not, however, possible to determine the number and nature of complaints made by persons in the cultural or Aboriginal communities. Nevertheless, all complaints regarding language or customs relating to ethnic origin are automatically reported to

the Ombudsman. In conjunction with the Department of Relations with Citizens and Immigration, the Department of Public Security also prepared a directory of members of correctional services staff who could act as interpreters and offered a French course for incarcerated persons.

Article 7

Education

380. To combat all forms of discrimination against Aboriginal groups, the Department of Education compiles, organizes and distributes information on the various Aboriginal groups.

381. Thus, in cooperation with the *Musée de la Civilisation* and the Aboriginal nations concerned, the department produced documentation on the various Aboriginal nations, describing their current way of life. The document on the Inuit, published in 1988, was updated in 1993. Also in 1993, documents on the Abenaki and the Algonquin (Wôbanaki and Nitakinan) were produced. In 1994, a document on the Attikamek (Nitaskinan) and, in 1996, another on the Huron-Wendat (Wendake) were also published.

382. Each of these documents, accompanied by an activity guide, is intended primarily for students and teaching staff at the second level of elementary education, but is also of interest to all those who wish to learn about the Aboriginal nations of Quebec.

383. The various stakeholders in education interested in the Aboriginal issue cooperated to pool the information available on this subject and promote better understanding. These include staff from Coordination of Aboriginal Affairs in the Department of Education, teachers, academics, representatives of Aboriginal nations, and persons from the *Centre d'éducation interculturelle et de compréhension internationale* (Centre for cross-cultural education and international understanding) and the *Groupe d'études Inuit et circumpolaires* (Inuit and circumpolar studies group).

384. Finally, under the provisions of the James Bay and Northern Quebec Agreement, major funding was allocated to the Cree School Board and the Kativik School Board to enable them to adapt the Quebec school curriculum to the Cree and Inuit reality and culture. The same was done for the Naskapi, in accordance with the provisions of the Northeastern Quebec Agreement.

385. The Department of Education, in cooperation with the Department of Relations with Citizens and Immigration, produced a series of documents on the presence of Blacks in Quebec society, yesterday and today intended for elementary level students and teachers. The aim was to improve their knowledge of this ethnocultural component of Quebec society, promote a feeling of legitimate pride among Blacks in Quebec, and develop harmonious relations all around.

386. The Department of Education prepared a training module on taking religious and cultural diversity into account in the school setting intended mainly for school administrators to help them resolve conflicts of values and rules of behaviour that might arise in multi-ethnic schools. This module provides support for sessions organized for the school setting. A number of school boards have also offered this training to all their school administrations.

387. The Department of Education offered all school staff 10 sessions on integrating pluralism into the various areas of school intervention.

388. The *Commission des droits de la personne et des droits de la jeunesse du Québec* continues to offer school boards, elementary and secondary schools, and parents' committees training sessions on human rights and freedoms. These sessions are offered in both French-speaking and English-speaking milieus, and the topics they cover include racism in the school. In all, 160 sessions were held in 1993 and 1994, in addition to the numerous public seminars and training activities offered in the workplace, the general community and the legal community.

389. In 1993 and 1994, the Commission continued the training programme on inter-ethnic and interracial relations for its staff. In 1994, the training given to employees dealt with Aboriginal realities.

390. Mention should be made of the Commission's involvement in the preparation of the television series *Jasmine*. The Commission saw this collaboration, in which it acted as a consultant, as a means of stimulating thinking on themes inherent in its mandate, including the theme of racism. As a result of this television series, project Operation Hope (*Opération Espoir*) came into being, with the added participation of the Department of Relations with Citizens and Immigration, the Montreal Urban Community's police force, and various private-sector bodies and associations. The aim of this project is to provide youth, new immigrants and police officers with opportunities to meet through projects meeting community needs. Between May and December 1996, some 20 projects were carried out.

391. The Commission continues to promote better knowledge of Aboriginal realities by organizing - under the general theme of Quebecers and Aboriginals coming together, a major challenge - activities in the school setting. Carried out jointly with stakeholders from various milieus, including the Aboriginal milieu, these activities enable secondary school students to start learning about the Aboriginal reality through their regular courses in personal and social education, moral education or history, for example. The activities take various forms, such as meetings in class with Aboriginal resource persons, discussion workshops, information booths, exhibits, thematic days or visits to an Aboriginal milieu.

392. In April 1995, the Commission organized a colloquium on the theme of Aboriginals and Quebecers: the meeting of nationalisms (*Autochtones et Québécois: la rencontre des nationalismes*), which was attended by nearly 200 persons. Coming a few months before the referendum on sovereignty in Quebec, this colloquium sought to foster understanding between Aboriginals and Quebecers. The proceedings were published by the journal *Recherches amérindiennes au Québec*.

393. On the international scene, the Commission, jointly with the International Institute of Human Rights, organized training sessions in Strasbourg, France, for professors in faculties of education, directors of educational institutions, inspectors, legal advisors and teachers. These sessions dealt with rights education and with the subjects covered in the Convention. The participants came from Africa, Europe and the Americas.

394. The Commission delegated a resource person to a seminar organized, in 1994, by the Agency for Cultural and Technical Cooperation of la Francophonie in Bordeaux, France. This seminar was intended to provide officials from African States that are members of the agency with training in techniques and methods of preparing States' reports on the implementation of international instruments on human rights.

Culture

395. The *Commission des droits de la personne et des droits de la jeunesse* marks Human Rights Day by organizing each year, in cooperation with the *Société québécoise de droit international* (Quebec society of international law) and the *Université du Québec à Montréal*, a colloquium on human rights. The 1993 colloquium was devoted to "*L'actualité de la Déclaration universelle des droits de l'Homme*" (current relevance of the Universal Declaration of Human Rights). The 1994 colloquium had as its theme "*L'adaptation à la diversité et le droit à la différence*" (Adapting to diversity and the right to be different).

396. The Commission also marks Human Rights Day by awarding the *Prix droits et libertés* in recognition of a noteworthy contribution by an individual or organization to defending and promoting rights and freedoms. In 1994, the prize was awarded to the Comité Ethnies-Familles of Hôpital du Sacré-Coeur de Montréal, for implementing measures to ensure quality care to patients of diverse ethnic origins and to train nursing staff required to work in a multi-ethnic environment.

Information

397. The Department of Relations with Citizens and Immigration worked on public information and awareness by:

- Participating in various campaigns including the Year of Racial Harmony, Black History Month, and the International Day for the Elimination of Racial Discrimination;

- Organizing, on behalf of the government, the Semaine interculturelle nationale in order to make a broad public aware of the intercultural reality of Quebec;

- Being associated with government activities carried out in connection with the United Nations Year for Tolerance;

- Disseminating *Profils des principaux groupes religieux du Québec* (Profiles of the main religious groups in Quebec); and the second edition of *Profils des communautés culturelles du Québec* (Profiles of the cultural communities of Quebec).

- Awarding the Prix du rapprochement interculturel in recognition of an outstanding contribution to intercommunity rapprochement by three citizens and several institutions;

- Launching an anti-racist Internet site on 21 March 1996.

398. The Department of Public Security conducted several information and awareness sessions on the traditions and customs of Aboriginal peoples for various stakeholders with an interest in the administration of justice. It also developed and delivered a cross-cultural realities awareness programme for its staff.

399. The *Commission des droits de la personne et des droits de la jeunesse* distributes to the general public numerous information tools relating to human rights. In 1993 and 1994, it responded to 4,979 requests for documents. More than 360,000 documents (texts of the Charter, information pamphlets, official notices of the Commission) were distributed in this way. Locating these information tools was made easier with the publication of a directory of Commission documents and an annotated research bibliography.

400. For a number of years, the Commission has run an intensive public information campaign on discrimination in the housing sector. This campaign takes the form of posters in subway trains and buses in Montreal and Quebec City, particularly during the time of year when most leases are renewed.

NEW BRUNSWICK

Article 2

Human Rights Commission

401. The New Brunswick Human Rights Commission is responsible for the administration of the New Brunswick Human Rights Act. The Commission encourages a climate of tolerance and understanding which prevents persons from being subject to indignity or from being placed at a social disadvantage because of their race, colour, national origin, place of origin or ancestry.

402. Section 13 of the Act authorizes the Commission to approve special programmes, such as affirmative action and employment equity, to enhance the welfare of specific populations, including women, Aboriginal peoples, persons with disabilities, and visible minorities. The programmes are generally intended to identify and remove systemic barriers in employment, housing or education that discriminate against members of designated groups. They may also involve the implementation of special measures to accommodate differences and to achieve and maintain a representative workforce. The Commission is further authorized by the Act to review, alter or impose conditions in respect of such special programmes.

403. The Commission carries out its principal functions by promoting human rights education and by investigating complaints regarding alleged violations of the Act. During 1993-1994, it processed a total of 105 formal complaints, 7 of which were based on issues of racial discrimination. In 1994-1995, of the 101 formal complaints processed, 11 concerned racial discrimination.

Multiculturalism Office

404. Since 1986, New Brunswick has maintained a policy on multiculturalism with the purpose of advancing the equal treatment of citizens of all cultures. The policy represents a

commitment to equality in matters of human rights, cultural expression and access to and participation in New Brunswick society. Implementation of the policy is guided by a Ministerial Advisory Committee on Multiculturalism, comprising representatives of cultural communities, as recommended by non-governmental organizations having a stated interest in the multicultural nature of New Brunswick society.

405. In 1996-1997, grants totalling $29,400 were made to 13 organizations providing multicultural programmes and services across the province. Projects included anti-racism education; initiatives fostering cross-cultural appreciation; community development and economic self-sufficiency opportunities for immigrant and visible minority women; and development of a cross-cultural health guide.

406. As directed by the provincial policy on multiculturalism, the office coordinates initiatives across government aimed at promoting harmony within cultural and racial diversity and awareness of the social and economic benefits of cultural diversity. In 1996, the Office released two videos, entitled *New Threads, New Trends: Making of the New Brunswick Tapestry* and *Nouvelle trame, nouvelles tendances: la composition du tissu social du Nouveau-Brunswick*. These videos introduce immigrants of diverse backgrounds and expertise and their contributions to the province and the country.

407. In carrying out its mandate to make recommendations to government on current issues, the Ministerial Advisory Committee on Multiculturalism pursued studies on provincial demographics, multiculturalism and immigration; an economic case for diversity; and differential fees for international studies in New Brunswick.

Equal Employment Opportunity Programme

408. In 1989, the New Brunswick government added visible minority persons as a target group of its Equal Employment Opportunity (EEO) Programme. The Department of Finance administers the EEO Programme to provide Natives, visible minorities, and persons with disabilities equal access to employment, training and promotional opportunities in the New Brunswick Public Service. The Programme is open to both on- and off-reserve Aboriginal people and serves as a liaison with reserves and Native organizations.

409. The EEO Programme facilitates job placements and work experience for target group persons through a summer employment initiative for students, a job creation initiative administered in cooperation with the Department of Advanced Education and Labour, and through term placements of a year or more, which focus on longer-term skills enhancement.

410. During the reporting period, the Department of Finance hired a candidate under the EEO Programme to fill a position in the Innovation and Development Branch. The Equal Employment Opportunity initiative will soon be extended to "Part II" of the public service.

Department of Advanced Education and Labour

411. The Department of Advanced Education and Labour administers wage subsidies to eligible employers who create jobs for unemployed persons in specified target groups,

particularly Aboriginal workers. Wage subsidies are provided under three programmes covering student summer jobs, short-term situations that develop skills or work experience, and the establishment of permanent or annually recurring seasonal jobs. Programmes are available to both on- and off-reserve Aboriginal persons.

Department of Education

412. Based on its 1989 Ministerial Statement on Multicultural/Human Rights Education, the Department of Education maintains a commitment to ensuring a discrimination-free environment for all students and personnel within the New Brunswick education system.

413. The statement's guiding principles are as follows:

- Every individual has a right to be educated in a school system that is free from bias, prejudice and intolerance;

- Any manifestation of discrimination on the basis of gender, race, ethnicity, culture or religion by any persons in the public school system is not acceptable;

- School programmes and practices promote students' self-esteem and assist in developing a pride in one's own culture and heritage;

- The school curriculum be free of bias and stereotyping and open to the study of the contributions and achievements of all peoples;

- Multicultural community groups be actively involved in shaping policy and practices in the schools;

- Employment and promotion practices will be based on merit and ability and free from discriminatory barriers.

Department of Intergovernmental and Aboriginal Affairs (DIAA)

414. In 1995, a new cabinet post of Minister of State for Intergovernmental and Aboriginal Affairs was created.

415. The department's role in the area of Aboriginal affairs is to:

(a) Provide information and advice to other departments and to the government;

(b) Act as a secretariat for the Ministerial Committee on Aboriginal Affairs; and

(c) Liaise with Aboriginal organizations, federal departments and other provinces as required.

Each department and agency is responsible for identifying and implementing concrete measures that advance the government's policy direction for Aboriginal affairs.

416. The New Brunswick government recently reaffirmed a number of policy commitments to Aboriginal peoples through pragmatic social and economic development initiatives: by respecting the Aboriginal and treaty rights of the Micmac and Maliseet peoples in a way that promotes harmony and collaboration between Aboriginal and non-Aboriginal people, and by participating in projects that support the continued development of self-governing arrangements for First Nations communities. The DIAA continues to be involved with both on- and off-reserve Aboriginal issues and organizations.

417. Highlights of DIAA activities in 1994-1995 included the following:

- An Aboriginal-federal-provincial initiative in economic development was pursued as a result of a meeting between the federal Minister of Indian Affairs and the Ministerial Committee on Aboriginal Affairs. This led further to the establishment of a Joint Economic Development Initiative (JEDI) in 1995;

- In February 1995, a National Symposium on Aboriginal Development Financing was co-hosted by the DIAA, Indian Affairs and Northern Development Canada, Industry Canada and the Canada Mortgage and Housing Corporation. A task force was established at the symposium and was scheduled to report to the federal Minister of Indian Affairs in December 1995;

- The DIAA was actively involved in the negotiation of a supplementary compensation agreement between the Minister of the Environment and the Eel River Bar First Nation. Signed in April 1995, the agreement stems from a need to use Native land for a municipal reservoir. Under its terms, at least 50 per cent of compensation must be used for economic development;

- The DIAA sponsored a concept refinement and a feasibility study of two Aboriginal business development proposals; and

- The DIAA continued to represent the province in a tripartite process with the New Brunswick Aboriginal Peoples Council (NBAPC), representing off-reserve Aboriginal people, and the Privy Council of Canada, representing the federal minister responsible for off-reserve Aboriginal people. With funding obtained through the tripartite process, the NBAPC implemented its Small Home Business Loan Programme and also explored the establishment of a credit union for off-reserve Aboriginal people.

418. The Ministerial Committee on Aboriginal Affairs is chaired by the Minister of State for Intergovernmental and Aboriginal Affairs. Other Committee members are: the Attorney-General, the ministers of Education, Finance, Health and Community Services, Natural Resources and Energy, and the Minister of State for the Regional Development Corporation and Northern Development.

Department of Justice

419. A pilot Circle Sentencing Project was proposed by the Department for an Aboriginal community in New Brunswick. The project involves on-reserve community members, victims, the accused and their families in a pre-sentence process aimed at assisting Provincial Court judges in determining an appropriate and culturally sensitive sentence for adult and young offenders. Similar arrangements have been put in place in other jurisdictions.

Department of the Solicitor General

420. The Department of the Solicitor General continues to consult with the Solicitor General of Canada and First Nations communities on the implementation of the federal First Nations Policing Policy, which is intended to provide reserves with more culturally-sensitive law enforcement.

421. The Policing Policy serves as the basis for enhancing the level and quality of policing services available to reserve communities and enabling greater Aboriginal involvement in the administration of criminal justice.

422. Since June 1993, the department has participated with federal and Aboriginal authorities in a policing analysis of three Mawiw Tribal Council communities, with a view to implementing the Policy.

423. Aboriginal persons comprise approximately 5 per cent of the incarcerated offender population in New Brunswick - a significantly disproportionate number given that Aboriginal persons represent only 1 per cent of the provincial population.

424. With responsibility for operating 12 adult and 3 young offender centres, the Department of the Solicitor General has introduced a number of Correctional Services initiatives to better serve Aboriginal persons incarcerated in its correctional centres.

425. For example, the Aboriginal Staffing Initiative has led to the employment of four Aboriginal persons as regular correctional staff: a youth counsellor at the New Brunswick Training School, and two correctional officers and a programme supervisor at other correctional institutions. Their participation contributes cultural sensitivity to Aboriginal inmates and encourages greater understanding of, and Aboriginal involvement in, the administration of the criminal justice system.

426. Two individuals of Aboriginal ancestry are also employed as probation and parole officers by the department to further address the need for sensitivity to the culture and needs of Aboriginal offenders. Aboriginal participation in sentence supervision is intended to create stronger contact between Correctional Services and the Aboriginal community. The presence of Aboriginal probation officers also serves a valuable educational function, encouraging greater Aboriginal involvement in the administration of criminal justice.

427. Both officers provide conventional probation services, and have further assumed a variety of non-conventional functions related to community education, deterrence, offender rehabilitation and culturally specific programming.

Article 3

Department of Justice

428. The Court of Queen's Bench was involved in challenging the province's authority to repeal certain provisions of the Social Services and Education Tax Act relating to First Nation peoples on reserves.

Article 4

Human Rights Act

429. Subsection 6 (1) of the New Brunswick Human Rights Act states that "no person shall (a) publish, display, or cause to be published or displayed, or (b) permit to be published or displayed on lands or premises, in a newspaper, through a television or radio broadcasting station, or by means of any other medium that he owns or controls, any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or class of persons for any purpose because of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or sex".

Department of Justice

430. The New Brunswick Department of Justice has been working with a federal-provincial-territorial ministerial committee to make the hate literature provision of the Criminal Code more effective.

431. The department's Law Reform Branch has also explored group defamation as a possible vehicle for pursuing an effective civil remedy.

Article 5

Department of Advanced Education and Labour

432. The Adjustment Services Programme is a partnered initiative of Human Resources Development Canada and the Department of Advanced Education and Labour, which serves to bring employers, employees and communities together to deal with changes that impact the structure of the workplace and the role of the workers.

433. In 1994-1995, the department collaborated with the Eel River Bar First Nation in working towards the development and co-management of specific tourism-related projects.

434. Through the Canada-New Brunswick Cooperation Agreement on Entrepreneurship and Human Resources Development, a business summit and trade show for Native entrepreneurs was sponsored by the Micmac Maliseet Development Corporation in September 1994. This one-time project brought together Native entrepreneurs, potential investors and business people for the purpose of marketing products, investigating joint ventures and attending workshops. The Agreement will be replaced in 1996 by the Canada-New Brunswick Agreement on Regional Economic Development.

435. Through the Programme Coordination and Apprenticeship Training Branch, the department provides contract training on a fee-for-service basis to employers and other organizations, including on- and off-reserve Aboriginal people. In 1994-1995, vocational training and academic upgrading was provided to five Aboriginal communities.

436. The Community Academic Services Programme (CASP) provides basic (grades 4-6) reading, writing and numeracy instruction to New Brunswick adults outside of the formal school system. Coordinated by the Department of Advanced Education and Labour, the 30- to 40-week literacy programme is designed to respond to community-identified needs and is cost-shared between the community and Literacy New Brunswick Inc. The Programme is available to both on- and off-reserve Aboriginal people and organizations.

437. There were two CASP programmes serving Aboriginal communities in 1993-1994, and four in 1994-1995. A new programme was established at Oromocto First Nation for 1995-1996.

Department of Education

438. The Department of Education supports the principle of equal employment opportunity for all persons. Through participation in the Equal Employment Opportunity Programme and the Equal Employment Equity Programme, special measures are adopted with respect to persons with disabilities, Aboriginal peoples and members of visible minorities. Employment equity initiatives address various issues related to the occupational status of women and encourage a review of employment systems and practices to ensure a discrimination-free work environment for all employees.

439. Interim agreements on primary/secondary education between the Province of New Brunswick and First Nations ensure that children who live on reserves and attend public schools have access to culturally relevant, quality educational programmes and services, consistent with the policy statement on Maliseet/Micmac education in New Brunswick. The governing bodies involved in these arrangements are First Nations, the federal Department of Indian Affairs and Northern Development, the Department of Education and local school districts.

440. Since the Federal-Provincial Master Tuition Agreement terminated in 1993, several First Nations have engaged in direct discussions with the Department of Education with the aim of concluding a long-term tuition agreement for educational programmes and services between all First Nations and the Department of Education. Individual agreements exist between the department and St. Mary's, Oromocto, Kingsclear, Fort Folly, Tobique, Big Cove, Burnt Church and Red Bank.

441. The department has adopted a number of initiatives consistent with the policy statement on Maliseet/Micmac education in New Brunswick, including an Aboriginal teacher recruitment initiative, the appointment of a number of Aboriginal school board trustees, and an intervention programme to address the educational needs of at-risk students of the St. Mary's and Kingsclear First Nations. Other measures, which address curriculum development activities and Aboriginal awareness training for teachers, are reported under Article 7.

Department of Health and Community Services

442. On 24 April 1995, the minister of Health and Community Services, Mr. Russell King, issued a memo to all regional hospital facilities, Family and Community Social Service Offices, and the Mental Health Commission. The memo contains sections from the Human Rights Act concerning racism. The Minister stated that there would be zero tolerance with respect to racism within the Health and Community Services system.

443. Gignoo Transition House was opened in January 1993 to aid abused Aboriginal women and their children. In 1992-1993, the Canada Mortgage and Housing Corporation provided funds for capital costs to establish the transition house for victims of spousal violence. The Department of Health and Community Services now provides an operating grant based on usage of the Transition House by off-reserve Aboriginal women and non-Aboriginal clients. The Department of Indian Affairs provides financial assistance based on usage by on-reserve Aboriginal women.

444. A number of the New Brunswick Indians who belong to the Union of New Brunswick Indians are members of the Provincial Suicide Prevention Coordinating Committee. There are also Aboriginal representatives on various community suicide prevention committees:

- Four people who are certified trainers in suicide prevention are part of the Mental Health Commission's provincial pool of certified trainers;

- Training sessions have been provided to various Aboriginal communities in the area of suicide prevention and awareness, including formal training in critical incident stress management;

- Aboriginal representatives of Big Cove are part of the critical incident stress management programme of the Richibucto community Mental Health Centre;

- Cultural-awareness training has been provided to Community Mental Health Services staff; and

- Community mental health centres staff continue to provide consultation services to Aboriginal communities as needed.

Aboriginal clients are accessing the services at the 13 community health centres throughout the province on a continuous basis. In addition, the department will, on an as-needed basis, deliver specific services or training to Aboriginal communities in a crisis.

445. The province is responsible for providing child protection services to all residents of New Brunswick, including those living on Indian reserves. The Department of Health and Community Services does, however, delegate the responsibility for the delivery of these services to all First Nations (with the exception of the Madawaska Maliseet nation). The delegation occurs under a tripartite agreement between the First Nations, the Department of Health and Community Services and the Department of Indian Affairs and Northern Development Canada.

446. A Canada-New Brunswick-Indian Child and Family Services Agreement was first signed in 1983 and is in place in several First Nations communities. A Tripartite Agreement on Indian Child Welfare Agencies also exists and, in 1988, was extended until such time as new arrangements are negotiated.

447. The long-term objective of the Department of Health and Community Services is to devolve responsibility for delivery of child and family services to First Nations. Those services that may be provided under the Tripartite Agreement are: childcare, child protection, homemaker, headstart, family and adoption services.

448. According to a February 1994 status report, 10 of the 15 First Nations communities in New Brunswick had child and family services agreements in place; the other 5 were in various stages of negotiation for culturally responsive services.

449. Discussions are underway between federal and provincial representatives and the Mawiw tribal council to move toward a partnership model as opposed to the delegated authority model under which the past agreement was signed.

Department of the Solicitor General

450. The department's Correctional Services Branch has endeavoured to ensure equal access of Aboriginal inmates to culturally sensitive spiritual services through programmes of visits by elders and participation in sweet grass ceremonies. The branch has taken part in informal discussions with Aboriginal leaders regarding the development of institutional policy and procedures.

451. In 1993, the department introduced a policy to recognize the inherent right of incarcerated Aboriginal offenders to practice their Native spiritual traditions. A sweat lodge was built at the Saint John Regional Correctional Centre to permit periodic ceremonies to be performed by Aboriginal people. Various Aboriginal ceremonies have been conducted in other provincial correctional institutions as well. During these ceremonies, Aboriginal elders are extended similar visiting privileges as members of the clergy.

Article 6

452. Under section 20 of the Human Rights Act, the Human Rights Commission is authorized to recommend the appointment of an impartial board of inquiry to resolve a complaint of discrimination which cannot be settled through the process of conciliation.

Article 7

Human Rights Commission

453. The New Brunswick Human Rights Commission provides information and referral services on a variety of issues including racism, prejudice and discrimination. It also makes print materials and videos available, and serves as a liaison with community organizations.

454. The promotion of racial harmony continues to be an important focus of the Commission's education programme. In this respect, the Commission is actively involved with the New Brunswick Minority Policing Committee in its work to address such issues as recruitment and training of minorities and police practices, and with PRUDE, an organization that develops awareness and programmes dealing with racial harmony.

455. During the review period, the Commission was instrumental in promoting the proclamation of Racial Awareness Week (20-26 March) by the city of Saint John. It also issued press releases in recognition of the International Day for the Elimination of Racial Discrimination, International Women's Day, International Human Rights Day and the United Nations Year for Tolerance.

456. In 1995, the Human Rights Commission was designated the government's lead agency for the celebration of the International Year for Tolerance. The Commission implemented the Year by:

- Launching the *Foundations for Fairness* video series in conjunction with the International Day for the Elimination of Racial Discrimination, on 21 March. The series comprises two videos and a public service announcement dealing with prejudice, and is accompanied by a study guide;

- Publishing *Learning Together*, a teacher's guide for introducing equality issues to students; and

- Continuing to promote equality through presentations to students and employers, as well as through its publications and other activities.

Multiculturalism Office

457. New programmes for 1994-1995 included partnerships with other government offices and community organizations to foster cross-cultural education opportunities and the development of immigrant integration materials. The office worked in cooperation with multicultural organizations and other community-based groups to contribute to the first Canadian Heritage Fair held in New Brunswick.

458. To mark Heritage Day in 1995, a collection of heritage stories by provincial employees was distributed to all schools, libraries, museums and historical societies in New Brunswick.

Department of Education

459. The Department of Education promotes racial harmony by sensitizing students and educational personnel to various issues related to racial discrimination. The department also marks special events such as Heritage Day, the International Day for the Elimination of Racial Discrimination, and Citizenship Week by initiating annual activities within both the department and the public school system.

460. The Department of Education's principal role in the elimination of all forms of racial discrimination and the promotion of human rights and multicultural awareness has been in the field of education and teaching.

- The districts have been directed to develop a policy consistent with the thrust of the Ministerial Statement on Multiculturalism/Human Rights Education, and to feature a progress report as part of the annual report of each district;

- The document *Human Rights in the Curriculum*, prepared in 1988, is being updated;

- A document entitled *Checklists for Detecting Bias and Stereotyping in Instructional Materials* was prepared in 1990; and

- An Indian education policy has been prepared by the Department of Education.

461. A number of initiatives are in place in this area:

(a) An Indian Education Consultant has been hired;

(b) Native Studies 20 is being piloted in a number of schools. "Maliseet and Micmac: First Nations of the Maritimes" is being piloted for this course. A curriculum guide is in preparation;

(c) Native language programmes and materials are being developed;

(d) In-service instruction is being held for teachers in various districts for the Indian Education Orientation Programme. A *Circle of Understanding* was published, which offers guidelines for provincial schools enrolling native Indian students;

(e) Workshops are being conducted concerning the heritage and culture of First Nations;

(f) A provincial Indian Education Curriculum Development Committee is in place. This committee reviews the direction and support for the study of First Peoples in the curriculum; and

(g) In response to the report on excellence in education, two initiatives are going forward: one will see an increase in the number of Native teachers, and the other will support Native leaders.

New Brunswick College of Craft and Design

462. Since 1989, the New Brunswick College of Craft and Design has provided a one-year Native Arts Programme as part of its foundation Arts Diploma Programme. The Programme is directed by a Native instructor and the College has developed informal contacts with many elders and Native artists. The College is an interdisciplinary cultural education facility which maintains a policy of credit transference with the University of New Brunswick, whereby credit from one educational institution can contribute to a diploma or degree of the other.

Department of Intergovernmental and Aboriginal Affairs

463. A subcommittee on anti-racist education, with representatives from Manitoba, Ontario and New Brunswick, continued its efforts to coordinate the development of a training manual on racism for human rights officers.

Department of Municipalities, Culture and Housing

464. Archaeological Services New Brunswick (ASNB) works for the preservation (by encouraging fundamental and applied research, designation and banking), management (by screening impacts of projects on heritage sites, licensing, inventories and site protection works), and development (through promotion, commemoration, site interpretation, publications and exhibitions) of New Brunswick archaeological heritage. It will take the lead in facilitating solutions to resource management conflicts. Its Aboriginal involvement is extensive, from employing Aboriginal students in its projects to working closely with specific Indian communities on research, inventory, land management and development projects. This includes giving talks to schools, and working on legislation, with an emphasis on heritage stewardship and community involvement. Repatriation issues are also being addressed. ASNB objectives are to ensure the preservation, management, and development of New Brunswick's archaeological heritage. With regard to Aboriginal involvement, ASNB will:

- Try more experiments in co-management of heritage resources;

- Work more closely with Aboriginal people on mutual issues, particularly on access; and

- Encourage heritage resource management on Aboriginal lands.

465. ASNB has, to date, had direct dealings with at least 10 Aboriginal communities. Members of the Heritage Branch of the MCH culture division have recently participated with ASNB staff in the review and planning stages of various Red Bank First Nation initiatives.

Canada/New Brunswick Cooperation Agreement on Cultural Development

466. The Canada/New Brunswick Cooperation Agreement on Cultural Development focused on maximizing economic growth and cultural awareness through human resource and product development, marketing and distribution, and the application of new technologies.

The Agreement was in effect from October 1990 to March 1995. Since 1991-1992, assistance has been provided for a number of Aboriginal cultural development projects, including:

- A promotional video and materials for the Eagle Feather Band;
- Support for Pictou Fine Arts to attend a trade show;
- A River of Fire Festival and related workshops, held by Big Cove Community Services; and
- Travelling workshops organized by the New Brunswick Indian Arts and Crafts Association, to teach traditional Native crafts.

467. The principal objective of this agreement was the identification and detailed analysis of economic development opportunities and the formulation of appropriate measures to pursue them. The agreement provided funding to government departments to assist in the identification and/or study of development opportunities within the province of New Brunswick. Four Aboriginal projects were approved under this cooperation agreement including:

- The Strategic Development Plan of the Maliseet Nations Fisheries Management Federation;
- A study on opportunities in the resource sector;
- The Wabanaki, Woolastook Park and Little Lake Development Plan; and
- A project to assess the feasibility of an Aboriginal employment placement project.

Funding under this agreement was available to both on- and off-reserve Aboriginal people. Governing bodies involved in the delivery of this agreement were the Atlantic Canada Opportunities Agency and the Regional Development Corporation.

468. The Development Assistance Programme (DAP) is designed to complement other federal and provincial Programmes aimed at economic development and job creation in particular, the section 25 provision of the Unemployment Insurance Act. DAP provides funding for materials and supplies for community capital projects sponsored by municipalities and non-profit organizations. In 1994-1995 and 1995-1996, the following Aboriginal projects received funding under DAP: a Pabineau Band housing project with a DAP allotment; a measure to upgrade the NBAPC's lodge facilities; a measure to finance renovations for the Union of New Brunswick Indians; initiatives to fund a multi-use centre and arena repairs at Big Cove; an initiative to improve housing on Indian Island and Burnt Church; an initiative for a road upgrade at Fort Folly; housing projects for Buctouche, Eel Ground, Eel River Bar, St. Mary's, Indian Island, Fort Folly and Burnt Church; and a NBAPC camp renovation expense.

469. The Northern Special Projects Fund was created and launched in 1994 as part of the Action North Initiative. It was designed as an incremental assistance fund for worthwhile development projects which could access other government programmes. The Action North Initiative targets the specific needs of the region extending from Beresford to Kegwick/St. Quentin. Through this framework the New Brunswick government worked closely with the local residents to develop effective, relevant means that will assist in economic recovery and restore confidence in the entrepreneurial capacities of the north. The fiscal year 1995-1996 was the last year for the Northern Special Projects Fund.

470. In 1994-1995, the Northern Special Projects Fund assisted the Eel River First Nation with the proposed Heritage Garden concept. The Fund also assisted the laboratory which serves to increase marketable computer skills of band members. In the fiscal year 1995-1996, the fund contributed to a clam population study at Heron Island and the development of a business plan for the proposed Aboriginal Heritage Garden, which would present the traditional medicinal and food plants used in the region. This fund is open to both on- and off-reserve Aboriginal people.

471. The Sport, Recreation and Active Living Branch mission is to stimulate the development of recreation and sport opportunities through strong partnerships, thereby strengthening communities and improving the overall quality of life in New Brunswick for people of all cultures. The Programmes of the Branch are delivered both on and off-reserve. Programmes which are pertinent to First Nations' communities are:

- Organizational assistance to develop self-sufficient volunteer organizations capable of providing quality recreation and sport;

- Leadership assistance to support the training of volunteers and professionals in sport and recreation;

- Participation and active living assistance to support the development of regular participation opportunities in recreation and sport;

- To recognize, encourage and support the pursuit of excellence in sport by N.B. athletes and coaches; and

- To promote and support the hosting of major sporting events in New Brunswick.

472. The objectives of the Sport, Recreation and Active Living Branch are:

- To promote and support effective partnership;

- To recognize the value of volunteers and volunteerism;

- To enhance the quality of life;

- To promote community pride and excellence;

- To value fair play;

- To create a community-based approach to recreational development; and

- To provide a broad range of quality sport/recreation activities.

473. In terms of First Nations, the Sport, Recreation and Active Living Branch delivers its programmes from central offices in Fredericton along with regional offices in Edmundston, Fredericton, Saint John, Moncton, Miramichi, Bathurst and Campbellton. Plans for 1997 and beyond include:

- Giving assistance to Community Development plans on the following First Nations communities: Big Cove, Burnt Church, Tobique and others as needs are identified;

- Making contact and distributing information to all First Nations communities on services available from the Sport, Recreation and Active Living Branch; and

- Informing Aboriginal leaders of the benefits of recreation, especially for youth at risk.

Public safety services

474. The principal goal of Public Safety Services is to assist First Nations communities to develop the necessary expertise, plans and arrangements for effective local emergency management. The project had been implemented by employing an Aboriginal person as a Native community advisor on emergency measures.

475. This project is the Aboriginal component of the Umbrella Agreement on Cooperation in Emergencies in effect since February 1991. The project is a cooperative effort to improve our collective preparedness to deal with the effects of disaster. It should also serve to foster mutual aid agreements between Aboriginal and non-Aboriginal communities.

476. Responsibility for emergency preparedness in First Nations communities resides with the federal government; nevertheless the provincial government has a moral obligation to provide assistance, advice and support to governing bodies involved in the delivery of the programmes of the Department of Municipalities, Culture and Housing, and the band councils.

Regional economic development programmes

477. The purpose of the Economic Diversification Agreement was to support worthwhile economic development initiatives that had the potential to enhance income and employment.

478. This cooperation agreement contributed to the development of Gitpo Cottage Resort Inc., a project of the Eel Ground First Nation on the Miramichi River. Governing bodies for the cooperation agreement were the Atlantic Canada Opportunities Agency (for the federal government) and the Regional Development Corporation (for the province). The agreement expired March 31, 1995, with 1995-1996 being a payout year for previously approved projects.

Department of the Solicitor General

479. The department has undertaken measures to promote cross-cultural understanding among its employees by organizing lunchtime awareness activities along with a multicultural exhibit, and by incorporating the government's policy on multiculturalism into an employee's handbook as well as into training programmes for executive directors. The department is also represented on the Interdepartmental Committee on Multiculturalism.

480. With respect to correctional employees, the department offers Aboriginal awareness training, including a Native spirituality course led by Aboriginal elders as trainers. The purpose of this initiative is to ensure correctional staff are more culturally sensitive to the needs of Aboriginal offenders.

NOVA SCOTIA

481. The period covered in this report is from May 1993 to April 1997.

Article 2

482. The Nova Scotia Human Rights Act, R.S. 1989, c. 214, provides protection against discrimination on the basis of the following grounds: race, colour, creed, religion, national, ethnic or Aboriginal origin, sex (includes pregnancy), age, marital or family status, physical or mental disability, sexual orientation, political activity, affiliation or association, source of income, fear of contracting an illness or disease, sexual harassment, association with members of groups protected under the Act. The Nova Scotia Human Rights Commission's policy is such that complaints of racial harassment are considered to be complaints of racial discrimination.

483. The Nova Scotia Human Rights Commission continues to investigate complaints of racial discrimination. Approximately 17 per cent of the complaints of discrimination in the area of employment are allegations of racial discrimination (race, colour, national, ethnic or Aboriginal origin). Approximately 45 per cent of the complaints in the area of services are allegations of racial discrimination.

484. Nova Scotia Human Rights Commission staff participate in ongoing training to develop increased understanding of racism and systemic discrimination.

485. A race relations division was established within the Nova Scotia Human Rights Commission in 1991. The division's mandate is to develop, both in the public and private sectors, programmes and policies that promote cross-cultural understanding and eliminate barriers to the full participation of members of racial minorities in society. Part of this mandate includes the affirmative action programme, which involves assisting organizations and agencies from the public, private and community-based sectors, who wish to enter into affirmative action agreements. As part of this process, a revised booklet called *Affirmative Action Resource Manual* includes guidelines on employer-based Human Rights Affirmative Action Committees.

These groups take active responsibility for eliminating discrimination and harassment, in the provision of services, in the workplace, and in all areas covered by the Nova Scotia Human Rights Act. Sections 6, 9 and 25 of the Human Rights Act allow for employers and service providers to enter into special programmes and activities whose purpose is to "promote the welfare of any class of individuals ...". Such programmes are deemed not to be a violation of the Human Rights Act. Increasing numbers of private- and public-sector employers and educational institutions are registering affirmative action agreements.

486. In 1995, the Human Rights Commission also developed a video on race relations entitled *Racism and You*. The video gives examples of how racism is practised in a workplace environment and the impact it has on those involved. The video is used during speaking engagements, educational workshops and seminars in both the public and private sectors.

487. The government of Nova Scotia established the Steering Committee on Employment Equity and Race Relations in 1991. The Committee is comprised of deputy ministers and department heads and has a mandate to formulate policies and monitor progress on race relations and employment equity issues. The steering committee has produced, through a working group, a draft race relations policy statement for the province.

488. The Race Relations and Employment Equity Task Force set up under the steering committee began delivering education and awareness sessions to all government employees in 1994. The sessions are continuing. A race relations and employment equity resource centre has been established that includes books, videos, newspaper articles and other items.

489. Throughout the period covered by this report, the Department of Human Resources and the Nova Scotia Government Employees Union have cooperated in gathering statistical information and developing a mandatory affirmative action policy for provincial civil servants at all levels. In March 1996, the department and the union made a specific commitment to overcome systemic discrimination; progress statistics are tabled annually in the Legislature.

490. In 1994, the Nova Scotia Advisory Council on the Status of Women consulted women's organizations in the province on establishing diversity within the Council board and staff. As a result, five of the seven new appointments to the Council were from racially visible groups. Since these 1994 appointments, the Council has been working to ensure that all projects of the Council are more inclusive.

491. In 1996, the Black Women's Health Project was initiated as a community outreach and information programme; funding assistance was provided by the Department of Health.

492. The new Children and Family Services Act, R.S. 1990, c. 5, came into force in September 1991. This legislation states that wherever possible family units are to remain together, assisted by a wide range of supports. Several sections of the Act require that the best interests of the child be the paramount consideration in any placement or intervention; the preservation of the child's cultural, racial, religious and linguistic background is considered relevant to his or her best interests.

493. Where a child of Aboriginal origin is the subject of a child protection proceeding, the Act states that the Mi'kmaq Family and Children's Services of Nova Scotia shall receive notice as a party to the proceedings and may be substituted for the agency that commenced the proceeding. The Act also provides for notice to Mi'kmaq Family and Children's Services before an adoption agreement is entered into concerning a child who is or may be an Aboriginal child. Pursuant to section 88 of the Act, an Advisory Committee conducts an annual review of the Act; a senior staff member from Mi'kmaq Family and Children's Services sits on this advisory committee and also on related policy committees.

494. The Multiculturalism Act, R.S. 1989, c. 10, s. 1, remains in force. Its purpose includes the establishment of a climate for harmonious relations among people of diverse cultural and ethnic backgrounds.

Article 4

495. Although the legislation concerning hate groups and hate propaganda falls under federal jurisdiction, the provincial Human Rights Act provides additional protection to groups vulnerable to such propaganda. Section 7 of the Act prohibits publications, displays or broadcasts that indicate discrimination or an intent to discriminate against individuals or classes of individuals. A 1994 Board of Inquiry held that a sweatshirt offered for sale conveyed negative stereotypes about Black women and was discriminatory. The Board of Inquiry ordered the owner of the store to stop displaying and selling the sweatshirt (or any other discriminatory material) and also ordered the owner to apologize to the person who had lodged the complaint.

Article 5

496. The Tripartite Forum consists of representatives of the federal and provincial governments and the Nova Scotia Aboriginal community. In 1995, the Forum's Sub-Committee on Human Rights established a 16-month Mi'kmaq Community Rights Facilitator Programme. The Facilitator held workshops and seminars to assist members of the Mi'kmaq community (on- and off-reserve) with the process of filing and resolving complaints under the Human Rights Act. The Facilitator also developed cross-cultural sessions for schools and other organizations and served as a consultant to educators and government on Mi'kmaq community rights issues.

497. The Department of Justice, Police Services Division, has designed an introductory multicultural training course for criminal justice workers in the province of Nova Scotia. The intent of the course is to assist police and correctional personnel in Nova Scotia to develop a basic understanding of other cultures and values, and to assist them in the normal discharge of their duties in a multicultural environment.

498. There are currently two Black judges serving in Nova Scotia. The Family Court appointment was made in 1986, and the Provincial Court appointment in 1996.

499. The Review Board of the Nova Scotia Police Commission is comprised of a chairperson, alternate chairperson, member and four alternate members. Since 1993, a representative from the Black community and a representative from the Aboriginal community have been serving on the review board as alternate members.

500. In 1994, the Union of Nova Scotia Indians, with provincial and federal support, developed the Mi'kmaq Young Offender Project. This ongoing initiative combines existing alternative sentencing measures with a restorative justice model that incorporates the Mi'kmaq legal traditions of healing and community resolution.

501. The published reports of the Law Reform Commission of Nova Scotia have included summaries in the Mi'kmaq language since 1992.

502. The Unama'Ki Tribal Police, an Aboriginal police force serving Unama'Ki communities, commenced operations in October 1994.

503. Previous reports have referred to the establishment by the Province of Nova Scotia of the 1986 Royal Commission to inquire into the circumstances that led to the wrongful murder conviction of Donald Marshall, Jr., a Mi'kmaq Indian. The federal and provincial governments continue to address the Royal Commission's 82 recommendations.

Article 6

504. The protection from and compensation for discrimination is discussed in previous sections of this report.

Article 7

505. In 1990, the provincial government appointed the Black Learners Advisory Committee (BLAC). The three-volume *BLAC Report on Education* was published in 1994. This report laid the groundwork for significant structural changes to the Education Act and the Department of Education, including the establishment in 1996 of an African-Canadian Services Division within the department.

506. A similar process is taking place between the Department of Education and the Mi'kmaq community; the intended result is much greater Mi'kmaq control over the education of Aboriginal children. The new Education Act legislated the creation of a Council on Mi'kmaq Education and allows for the appointment of a Mi'kmaq representative to each regional school board. Two of the six anglophone school boards have Mi'kmaq representatives; in the other four regions, the Bands are currently choosing their representatives to the boards.

507. A Mi'kmaq Education Consultant position was created by the department in 1995. The consultant is overseeing changes to the curriculum, including a Mi'kmaq social studies course to be piloted in five high schools and a Mi'kmaq language course to be offered to Aboriginal and non-Aboriginal children as the second-language course option.

508. Dalhousie University, Nova Scotia's largest university, continues to operate programmes designed to encourage and facilitate the enrolment of Black and Aboriginal students. The Transitional Year Programme has been operating since 1972. A Black Student Advisory Centre was established in 1992. In 1996, the James Robinson Chair in Black Canadian Studies was established. The Indigenous Black and Mi'kmaq Programme at the Law School has been operating since 1989. Since the commencement of the programme, 46 Black and 32 Aboriginal law students have enrolled in the Programme.

509. The Department of Education established the Office of Race Relations and Cross-Cultural Understanding in 1992. This office is working with school boards, multicultural groups and other education partners in developing anti-racist principles and a provincial education race relations policy. As well, the office is working with school boards to develop race relations policies at the board level. The anti-racist principles will reinforce the individual's right to an education free from bias, prejudice and intolerance. The race relations policy includes school programmes and practices promoting self-esteem and pride in individual cultures and heritages. The department is also finalizing its provincial student discipline policy which includes sections prohibiting racial harassment. Under the new Education Act, R.S. 1995-1996, c. 1, school boards have a duty to establish policies that protect students from harassment and abuse.

510. In 1996, the Joint Human Rights and Education Committee was reactivated with the Executive Director of the Human Rights Commission and the Deputy Minister of Education serving as co-chairs. The Joint Committee acts as a forum for discussion and sharing information; it also has a mandate to recommend ways that human rights concepts and issues can be integrated into policies and curriculum development.

511. The Nova Scotia Human Rights Commission continues to produce and distribute information on discrimination. It also continues to assist with the organization and delivery of conferences on human rights in both the school system and the private sector.

512. In March 1997, the Nova Scotia Sport and Recreation Commission launched a Fair Play programme that will emphasize zero tolerance for violence, racism and verbal abuse in sports facilities. The programme will also promote the right to increased access to sports regardless of racial origin. The city of Halifax has provided a programme to immigrant children since 1995 that is designed to increase the children's awareness of recreational opportunities and to help them feel more comfortable participating.

513. The province of Nova Scotia continues to recognize the following events: African Heritage Month is celebrated throughout February with numerous events; Aboriginal Treaty Day is celebrated 1 October; 21 March is celebrated with a ceremony at Province House at which the Premier signs Nova Scotia's Proclamation declaring 21 March as the International Day for the Elimination of Racial Discrimination. The theme for the 1997 events commemorating 21 March was "youth perspectives on eliminating racism". A public- and private-sector partnership, organized through the Nova Scotia Human Rights Commission, sponsored the theme and events.

PRINCE EDWARD ISLAND

General

514. Prince Edward Island has a population of approximately 130,000, comprised of people from 78 different racial and cultural groups. In 1996, Statistics Canada identified 1,525 Islanders as visible minorities. Between 1993 and 1997, 638 immigrants came to Prince Edward Island, including refugees and sponsored immigrants.

515. There were 961 Aboriginal persons living in Prince Edward Island in 1997. Five hundred and thirty-two of these lived on Lennox Island and Abegweit Mi'kmaq band reserves while 429 lived off-reserve. Aboriginal persons make up the largest visible minority group in Prince Edward Island.

516. In Prince Edward Island, ministers are appointed to various departments from the elected members of the Legislature. The Minister of Community Affairs and Attorney-General is responsible for the Human Rights Act. Under this Act, the Human Rights Commission is established and its mandate is to protect human rights in the province. Amendments to the Act were introduced in 1997. The amendments provided a clear definition of who may file a complaint with the Commission. This definition includes anyone, except the Commission or its employees, who believes on reasonable grounds that the Act has been contravened. The executive director has expanded powers of investigation and resolution under sections 22 through 24, and there exists a mechanism whereby the executive director's decision can be appealed to the chairperson of the commission. Under the amendments, the chairperson is able to convene a hearing before a panel to inquire into the complaint. Such a hearing will be held in public. These amendments were designed to improve the speed and quality of service and to make the Commission more accessible.

Article 2

Measures taken to prohibit and eliminate discrimination

517. The P.E.I. Human Rights Act prohibits racial and ethnic discrimination. The Act reflects the fundamental principles of equality set out in the Universal Declaration of Human Rights. Sections 2 through 13 of the Act prohibit racial and other forms of discrimination in the areas of services, accommodation, facilities and employment. A person who alleges being discriminated against may file a complaint with the Human Rights Commission. The Commission will investigate the complaint, and assist the parties in reaching a resolution. The Commission has the authority to order a legally binding remedy, following a hearing by a panel of the Commission.

518. The Prince Edward Island Human Rights Commission is a provincially funded, arm's-length statutory body. The Prince Edward Island Advisory Council on the Status of Women is another provincially funded arm's-length government agency. Both of these organizations promote racial understanding. The Department of Education also funds or sponsors some programmes. In 1997, the Multicultural Council, which currently operates as

an umbrella organization for a number of multicultural groups, held meetings with the Prince Edward Island Minister of Education about obtaining provincial funding for multicultural and anti-racism activities. The Women's Network of P.E.I. receives funding through grants from various levels of government, as does the Community Legal Information Association of P.E.I., Inc. Both of these organizations carry out educational programmes in the area of racial discrimination, within their mandates.

Article 4

Information regarding decision 3 (VII)

519. The Criminal Code of Canada, a federal statute, applies to the relevant groups and activities. However, the Prince Edward Island Civil Service Act, regulation 31 (c) (iv) and (d) (i) prohibits harassment and disreputable conduct. Promoting or advertising racially discriminatory materials would fall under this regulation and would also be contrary to the Human Rights Act.

Article 5

Equal treatment before tribunals

520. The Human Rights Act allows all persons not employed by the Commission to file a complaint. Any act of discrimination before a tribunal would be dealt with on appeal or by complaint under the Human Rights Act.

Economic, social, and cultural rights

521. The Diversity Partnership Project is a federal-provincial initiative to promote employment equity in both the federal and provincial civil service. The aim of the programme is to increase knowledge, awareness, and appreciation for employment equity and workplace diversity. Aboriginal persons and visible minorities who are employed within the civil service are eligible for the programme, which may involve directing individuals to career counselling or arranging for work assignments to enhance skills. In addition to dealing with individual employees, the project provides employment equity training sessions to managers.

522. In the past year, employment development officers were hired to create public-private partnerships. These partnerships encouraged the training and employment of Aboriginal... The federal government is currently training Aboriginal employees, while the Atlantic Veterinary College will train and employ Aboriginal biotechnicians.

523. The P.E.I. Multicultural Council formed a committee in 1994 to further educate employers and influence policy decisions regarding the hiring of visible minorities. In 1995, the committee hosted a day of awareness at a federal tax processing centre in Summerside, P.E.I. In 1997, the president of the Multicultural Council made a presentation to the Federal-Provincial Diversity Management Committee on employment equity.

Article 7

Education and teaching

524. In 1995, a race relations consultant was hired under shared funding between the federal and provincial governments to work within the provincial Department of Education. The role of this position is to deal with issues of racism within the provincial school system. In 1997, a steering committee consisting of members from community organizations launched the Women and Race Relations Publication project. The Women's Network of P.E.I. is responsible for producing a book for junior-high-school teachers to use in social studies classes. The book, entitled *Regarding Diversity*, is expected to be completed in 1998. The Prince Edward Island Department of Education is contributing to printing, editing, and other aspects of the publication. The Grade 9 social studies curriculum contains a race relations unit. The goal of the publication is to create an educational resource and encourage teachers to use it. Lesson plans and activities will also be prepared. The publication will consist of first-person, experiential stories of Aboriginal women and women from ethnocultural minorities.

525. The Mi'kmaq Family Resource Centre has operated since 1993. The Centre promotes the understanding of Aboriginal culture through school presentations, drop-in play programmes for children and parents, and youth groups. Racism is addressed in all of these programmes and education is achieved through the sharing of personal experience.

526. The Prince Edward Island Human Rights Commission provides educational pamphlets for the general public, and seminars for university students, government departments, and community groups. The Commission also began work on an Internet home page to provide more complete access to the Human Rights Act and other valuable information.

527. The P.E.I. Association for Newcomers to Canada works with schools by providing an *Understanding Others* manual, and an *Immigrant Children's Stories* handbook. The Community Legal Information Association of P.E.I., Inc. publishes pamphlets that deal with discrimination. The association published *Running a Business: What about Human Rights?* in 1995.

528. On 21 March of each year, the P.E.I. Multicultural Council holds an open house to mark the International Day for the Elimination of Racial Discrimination. For the past three years, a component of the open house has been the Royal Canadian Mounted Police anti-racism contest where students from all Island schools are encouraged to submit poetry, poster, or art entries expressing their feelings and attitudes on anti-racism. Cash prizes are awarded for the best entries. The Council received donations from local businesses to print one of the winning poetry submissions into an anti-racism bookmark. The Premier of Prince Edward Island and the mayor of Charlottetown, P.E.I., sign a proclamation each year recognizing 21 March as the day for the elimination of racial discrimination.

529. The Prince Edward Island Department of Education participates in the Atlantic Provinces Common Curriculum Project, working with groups from the other Maritime provinces to promote multicultural subject matter. The department also sponsors yearly workshops for teachers that focus on race relations and multiculturalism. For the past two years, the department has offered a summer symposium on race relations. In 1995, a multicultural policy was drafted. The department has an existing, general non-discrimination policy which conforms with the Human Rights Act.

Culture

530. The P.E.I Association for Newcomers, the P.E.I. Multicultural Council, and the Native Council of P.E.I. all sponsor cultural events. The Multicultural Council sponsors annual festive celebrations and an open house to commemorate the International Day for the Elimination of Racial Discrimination every 21 March. Last year, a Chinese New Year open house was included for the first time as one of the festive celebrations. During the past four years, cultural events have included an Asia-Pacific event, multicultural Christmas festivals in smaller Island communities, and artistic cultural displays. The Multicultural Council also gave workshops on cultural diversity to the RCMP, and placed Black History Month exhibits at two local malls. During the past four years, the Council has distributed *Neighbourly*, a brochure about racial and ethnic misconceptions. The Council prepared race relation study packages for community groups, sponsored a commemoration of the Holocaust, and sponsored a Jewish culture display. In 1997, the Multicultural Council also offered four ethnicity workshops to university students.

531. In 1997, the Native Council helped establish an Aboriginal Education Committee with the Department of Education. The aim of the committee is to develop ideas which would ensure that the provincial curriculum accurately portrays Native people, thus reducing misconceptions and discrimination.

Information

532. The Prince Edward Island Advisory Council on the Status of Women promotes diversity along with racial and cultural sensitivity by advising government on policies that affect women. The Advisory Council also educates the public with the objective of improving conditions for women. The council has its own library of materials available to the public. The Women's Network of P.E.I. supplies information about race relations through its lending library, and through its *Women and Race Relations* publication project.

533. The P.E.I. Multicultural Council contributes general information through cable television announcements about cultural events, and through articles for local newspapers. The Council has a resource library and is distributing its anti-racism bookmark throughout Island communities. The Human Rights Commission maintains a resource centre that provides legal and historical information relating to discrimination. Staff members are also available to answer questions. Further information is readily available via the Commission's Web page and toll-free phone number.

NEWFOUNDLAND

General

534. The Department of Environment and Labour is now responsible for the Human Rights Commission.

Article 2

535. The Public Service Commission has established a Working Group on Employment Equity. One of its main purposes is to develop an employment equity policy for the Newfoundland public service for the guidance of managers and employees in ensuring that the rights of various groups, including visible minorities, are respected.

536. The Public Service Commission conducted a cultural diversity awareness seminar which dealt with skills for developing sensitivity to and interaction with people of different cultures. As well, the Public Service Commission sponsored two staff members to attend a seminar on employment equity, entitled "Practical solutions for the 90's".

537. The Royal Newfoundland Constabulary works actively with the Ethnic-Cultural Association of Newfoundland and Labrador, the Association for New Canadians, and the Police/Visible Minority Relations Steering Committee.

538. In 1993, the Ethnic-Cultural Association of Newfoundland and Labrador presented a seminar on contemporary issues, problems and concerns of visible minorities to members of the Royal Newfoundland Constabulary.

539. In 1993 and 1994, the Royal Newfoundland Constabulary received grants to support the hiring of visible minority persons to work in the police services and crime prevention sections of the constabulary.

540. In 1993, the Human Rights Commission and the Training Section of the Royal Newfoundland Constabulary organized a lecture on race relations for constabulary members.

541. In July 1994, the training section of the Royal Newfoundland Constabulary was awarded a $2,500 grant by the Department of Multiculturalism to purchase equipment to be used for a Two Way Streets race relations programme. The programme is an interactive laser-disc training course developed exclusively for operational police officers. In 1995, six members of the constabulary were trained as instructors for the programme, which is now available for use by all constabulary members.

542. The Royal Newfoundland Constabulary uses the Association for New Canadians as a facilitator for training.

543. All resource materials available at the Victim Services Programme of the Department of Justice have been translated for Innu and Inuit communities.

544. In March 1996, the Royal Newfoundland Constabulary and the Human Rights Commission participated in a seminar entitled, "Hearts of hate - The battle for young minds". Some of the topics covered were racial gangs, gang recruitment, hate camps, and propaganda.

Article 5

545. In June 1994, the Royal Newfoundland Constabulary entered into a memorandum of understanding with the Miawpukek Tribal Police in Conne River, to allow recruits from the Conne River police to work with the patrol division of the Royal Newfoundland Constabulary for the purpose of receiving training and exposure to police duties.

546. In 1995, the Royal Canadian Mounted Police (RCMP) and the Davis Inlet Band Council entered into an agreement establishing an interim policing arrangement to provide effective, efficient and culturally appropriate policing responsive to the unique needs of the residents of Davis Inlet. The agreement provides for the appointment of employees of the Band Council as peacekeepers and their designation as Peace Officers under paragraph 7 (1) (d) of the Royal Canadian Mounted Police Act. The peacekeepers work in cooperation with, and under the direction of members of the RCMP. As part of the agreement, the RCMP provides policing training for the peacekeepers and participates in other relevant training initiatives recommended by a committee which was established under the agreement.

547. Amendments to the Royal Newfoundland Constabulary Act in 1992 created a new Public Complaints Commission with the mandate to receive and review complaints made by any member of the public against a police officer, to investigate such complaints and, if necessary, refer the complaints to a hearing before an adjudicator.

548. Staff of Adult Corrections have been accessing ongoing cultural diversity training offered by the Public Service Commission. As well, staff in Labrador were provided with cross-cultural awareness training.

549. In 1992, the Human Rights Commission referred two race-related complaints to a board of inquiry. The complaints involved the exclusion of two people from membership in the Labrador Inuit Association. The board ruled in favour of the Labrador Inuit Association. The decision was appealed by the Human Rights Commission but, based on a legal opinion, was later withdrawn.

550. The Newfoundland Human Rights Commission receives few complaints involving discrimination or harassment on the basis of race. Two complaints were filed in 1993, three in 1994, three in 1995, two in 1996, and four in 1997. None of these complaints was referred to a board of inquiry. One was settled on a "without prejudice" basis, one was withdrawn, three are ongoing and the remainder have been dismissed.

551. In 1997, the staff of the Newfoundland and Labrador Youth Centre participated in a cross-cultural awareness workshop. The workshop specifically focused on raising the staff's level of awareness of the particular cultural diversities of the Aboriginal peoples of Labrador and of what is appropriate intervention for Aboriginal youth in a custody facility, and on strengthening the skills that staff require to carry out such programming.

Article 7

552. The Department of Tourism, Culture and Recreation continues to work with all multicultural groups in the province to ensure their arts and cultural efforts are recognized, encouraged and promoted. The department has prepared a Heritage Guide which features Aboriginal tourism highlights in the province, focusing on art and craft work from Labrador. The department is also developing a Viking Millennium Exhibit for the year 2000 that interprets the Norse experience as well as the interchange with Aboriginal peoples.

553. Funding for programmes to facilitate Innu or Inuit language education is provided through federal-provincial Native peoples agreements. The Inuit agreement provides a 60/40 per cent funding division between federal and provincial governments, while the agreement related to Innu education provides for a 90/10 per cent division. Under the terms of the Inuit agreement, specific funding has been provided to the Labrador Integrated School Board and the Pentecostal Assemblies School Board in each of the five years for an Inuktitut language programme. Under the Innu agreement, specific funding has been provided for a language programme in the communities of Davis Inlet and Sheshatshit in each of the two years of the agreement. These monies are to be used for curriculum development, translation and publication of curriculum materials by staff of the local school board.

554. As a result of the work of the government's Classroom Issues Committee, four booklets have been drafted for use in the primary, elementary, intermediate and senior high-school levels. The booklets deal with student rights and responsibilities as they apply to the existing curriculum; they also promote understanding of appropriate codes of student behaviour in all areas.

555. The province of Newfoundland and Labrador has recognized 21 March as the International Day for the Elimination of Racial Discrimination. Activities to mark the day have included:

- The signing of a proclamation recognizing the day;
- An essay project on race relations for junior-high-school students in the province, sponsored by the Human Rights Commission;
- Public service announcements and a press release;
- Information booths at public places across the city, including the Royal Newfoundland Constabulary headquarters;
- A Cross-Cultural Education Day for students at two high schools;
- An art exhibit by new and Native Canadians at Cabot College; and
- An open house at the Association for New Canadians.

V. MEASURES ADOPTED BY THE GOVERNMENTS OF THE TERRITORIES*

YUKON

General

556. Please refer to the Yukon's contribution to Canada's fourth report on the International Covenant on Civil and Political Rights and third report on the International Covenant on Economic, Social and Cultural Rights for relevant information not repeated in this report.

Article 2

557. The Public Service Act, section 98, provides the legislative authority by which the Public Service Commissioner may, in respect of any position or class, prescribe qualifications which are necessary or desirable having regard to the nature of the duties to be performed, but in doing so, he/she shall not discriminate against any person by reason of race, religion, religious creed, colour, ancestry, or ethnic or national origin.

558. Section 99.1 of the Public Service Act provides the legislative authority to implement affirmative action programmes that have as their object the amelioration of conditions of disadvantaged individuals or groups and may for that reason employ members of such groups as appropriate.

559. The Yukon Human Rights Act, 1987 states that special programmes and affirmative action are not discrimination. This act enables employers to design programmes to reduce disadvantages resulting from past discrimination suffered by a group identified by reference to a prohibited ground of discrimination.

560. In 1990, the Yukon government approved an employment equity policy. The policy document states that the employer's goal is to ensure fairness in accessing employment opportunities and developing a public service which is representative of the Yukon population. The policy applies to all departments of government. The target groups identified in the policy are women, Aboriginal peoples and people with disabilities. Data on visible minorities are regularly collected and monitored. To date, the data show no under-representation. The objectives of the policy are: to achieve an equitable, representative workforce; to identify and remove barriers to employment and advancement; to implement special measures and support programmes to remedy a previous disadvantage; and to contribute to fair and equitable access to employment opportunities and benefits of the Yukon government. Employees are surveyed and data are maintained on target group representation. The data are used for planning and supporting employment equity programmes that are established to eliminate employment disadvantages. Annual employment equity plans are developed and progress is reported in annual corporate reports for the Yukon government.

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* In geographical order, from west to east.

561. In 1992, the Yukon government approved a workplace harassment policy. The purpose of the policy is to establish a workplace that does not tolerate harassment and to maintain a work environment which is free from harassment. This policy applies to all individuals, including casual and contract personnel employed with the Yukon government. Definitions are provided for the types of harassment covered under this policy, including personal harassment, sexual harassment, and abuse of authority. This policy establishes a formal and informal process for making a harassment complaint.

Article 3

562. The Government of Canada, the Yukon government and the Council of Yukon Indians signed the Umbrella Final Agreement on 29 May 1993. This framework agreement forms the basis of negotiation of comprehensive land claim agreements with Yukon's 14 First Nations. This framework includes provision to negotiate self-government agreements to be completed along with the land claim agreements.

563. The Government of Canada, the Yukon government and four Yukon First Nations (Champagne & Aishihik First Nations, Teslin Tlingit Council, First Nation of Nacho Nyak Dun, and the Vuntut Gwitchin First Nation) signed final and self-government agreements on 29 May 1993. These agreements include implementation plans and funding arrangements to support the obligations of all parties in the activities that arise from the agreements.

564. On 14 February 1995, the Yukon government proclaimed legislation that brings the final and self-government agreements reached to date into effect. This date represents a major milestone in Yukon's history marked by the new relationship between governments and First Nations as expressed through these agreements. The self-government agreements describe a new order of government in the Yukon and move the territory into a new era of governance.

565. In 1995, the Yukon government approved its First Nations Relations Policy (No. 1.12). The purpose of this policy is to ensure that Yukon government activities are carried out in a manner that will foster constructive relationships with First Nations. This policy articulates the principles under the headings of: Aboriginal rights; jurisdiction and responsibility; effective government; and, reciprocity and community relations. Of particular interest is the Yukon government's support for the constitutional recognition of negotiated self-government arrangements.

566. In 1995, following the release of the federal policy guide on Aboriginal self-government, the Yukon, Canada and Yukon First Nations established a common table to negotiate self-government arrangements that can be protected under section 35 of the Constitution Act, 1982. These negotiations continue with the objective to have a new form of self-government agreement and associated federal and territorial legislation as soon as possible.

567. In 1996, the government of Canada and the Yukon government completed negotiations with two First Nations. The Little Salmon/Carmacks First Nation and the Selkirk First Nation are in the process of ratifying their final and self-government agreements. Once ratified by the parties, these agreements will likely come into effect in 1997. Negotiations with the remaining Yukon First Nations are actively progressing towards completion of all 14 Yukon First Nation final and self-government agreements by the end of 1999.

568. Early in 1997, the Yukon government signed protocol agreements with all Yukon First Nations and key transboundary claimant groups. These agreements describe a new cooperative government-to-government relationship that will move the territory towards assuming control over provincial-like programmes. The parties make a strong commitment to actively work towards the completion of all land claim and self-government agreements while also jointly negotiating with the federal government on devolution of federal programmes to both the Yukon government and Yukon First Nations.

Article 5

569. Section 182 of the Education Act and section 161 of the Public Service Act provide leave without pay for employees proposing to become a candidate in an election pursuant to the Canada Elections Act or the Elections Act (Yukon).

570. Section 183 of the Education Act provides for employees to engage in political activity in a federal or Yukon election whether or not a writ of election has been issued. Political activity includes speaking, writing or working on behalf of a candidate or a political party.

571. The Public Service Commission has a "time off for elections" policy which provides employees with time off with pay, if required, to cast their votes in federal, territorial or municipal elections.

572. The collective agreement between the Yukon government and the Yukon Teacher's Association states that leave with pay will be granted with pay deducted at cost for substitute, to participate in specific religious holidays (i.e., other than Sabbath or equivalent).

573. Equal pay for work of equal value under the Human Rights Act applies to Yukon and municipal governments. The Yukon government has a job evaluation system that is based on the principle of equal pay for work of equal value and an adjustment was made in 1986 to some employees' compensation to achieve equal pay.

574. The Public Service Staff Relations Act provides for employee organizations or a council of organizations to apply in the prescribed manner for certification as a bargaining agent for a bargaining unit.

575. Training programmes are provided to Yukon government employees on valuing and managing diversity and differences in the workplace.

576. The Leave Without Pay Policy provides employees with the opportunity to take leave without pay to fulfil family, cultural, civic and volunteer roles within the community. The leave is designed to recognize and accommodate the needs of employees in the workplace. This leave permits employees to participate in work-related and non-work-related activities without losing status as an employee.

577. In December 1990, the Yukon territorial government passed the Health Act, which guides all that the Department of Health and Social Services does. The Act incorporates the following six principles: prevention of illness and injury and the promotion of healthy behaviour; the integration of health programmes and services with social programmes and services; the partnership of individuals, groups, communities, Aboriginal groups and governments in planning, evaluation and implementation; the accessibility of programmes and services to individuals and groups; the cultural sensitivity and responsiveness of policies and systems; the accountability of health and social policy decision-makers so that health and social policies and the system will be responsive to the needs of the residents of the Yukon.

578. Other provisions of the Act recognize and respect Aboriginal traditional healing practices and protect client rights. The Act also provides for advisory committees.

Article 7

579. The Department of Health and Social Services provides a number of services that are responsive to the needs of individuals and communities. Some of the services that reflect the cultural diversity of the community are as follows:

- The Child Protection Unit has entered into joint initiatives with First Nations concerning child protection;

- Foster Care Services is actively involved with First Nations to find culturally appropriate homes for First Nation children;

- The Adoption Services Unit works closely with First Nations during the assessment and placement process to place First Nation children in culturally appropriate homes;

- Wherever possible, First Nation children in care and custody are placed with relatives or families of their First Nation. The Unit works with First Nations after placement to ensure children have regular contact with their families and members of the community;

- Youth Services provides programmes that are designed so youth can gain a sense of connection with and pride in their respective cultures. Youth learn traditional/historical definitions and meanings of concepts, trust, responsibility and leadership. Culturally appropriate drug/alcohol and solvent abuse information programmes are aimed at Aboriginal youth;

- The First Nations Health Committee was established under the direction of the Hospital Board. The Committee deals with matters of specific concern to First Nations people, such as diet, traditional healing and employment equity;

- Under the Health Act, the Health/Youth Investment Funds have provided financial assistance for the promotion of First Nations cultural camps, healing conferences, children's camps and parenting projects; and

- Information brochures, pamphlets, certificates and forms used in the department are available in both official languages. Should information be required in an Aboriginal language, a request can be made to Aboriginal Language Services for translation.

NORTHWEST TERRITORIES

Article 7

580. Within the Northwest Territories school curriculum, the subject called social studies provides the framework for study relating to human rights and freedoms. The promotion of understanding, tolerance and friendship among nations and racial and ethnic groups is at the core of the social studies curriculum, which states that the principles underlying a just and fair society for all should be embedded in the daily practices of the classroom and the actions of teachers and students.

581. School teachers in the Northwest Territories are also encouraged to combat, on a daily basis, prejudices which lead to racial discrimination.

582. In June 1995, a new Education Act for the Northwest Territories was passed. It came into force on 1 July 1996. Several sections of the Act seek to promote understanding and tolerance among different cultural groups. The preamble to the Act includes statements recognizing the multicultural heritage of Canada, the rights and freedoms of every individual and the constitutional rights of the Aboriginal peoples of the Northwest Territories.

583. Paragraph 22 (1) (d) of the Act directs that a student has the responsibility to be respectful of the cultural, spiritual or religious beliefs of others while on school premises.

584. In addition, subparagraph 45 (1) (c) (ii) of the Act directs that every teacher shall, respecting the students under his or her care and instruction, implement the education programme and individual education plans in a way that encourages the development of students' self -respect, dignity and self-esteem and that encourages students to respect other students' cultural and spiritual or religious values and beliefs.

Notes

[1] A third territory, Nunavut, came into existence on 1 April 1999.

[2] Demographic data are taken from the 1996 census of Canada.

[3] R.S.Q., c. P-34.1.

[4] See the fourth, fifth, sixth, seventh and twelfth reports.

[5] Section 138 of the Charter.

[6] Figures obtained by consolidating data contained in the annual reports of the Commission for the years 1993 and 1994.

[7] Sources: 1995 annual report and statistics from the Investigations Directorate for 1996 (there figures were consolidated for the purposes of this report).

[8] See the comments made by the Committee following review of the eleventh and twelfth reports of Canada.

[9] See the tenth report of Canada.

[10] 1995 annual report, p. 48.

[11] See the tenth report of Canada.

[12] *Les mouvements racistes et la Charte* (Racist movements and the Charter), 7 January 1994, COM-302-6.2.1.

[13] Decision 92-09-39 (*Commission des droits de la personne du Québec v. Photo-Police*). The complaint related to a series of articles purporting to describe the problem of criminality in Montreal's Black community.

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